

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO**

HUBERT L. MCGUIRE

PLAINTIFF

v.

CIVIL ACTION NO. 4:16CV-P114-JHM

COMMONWEALTH ATTORNEY et al.


DEFENDANTS

MEMORANDUM OPINION

Plaintiff Hubert L. McGuire, a pretrial detainee incarcerated in the Henderson County Detention Center, filed a pro se complaint pursuant to 42 U.S.C. § 1983 (DN 1). By Memorandum Opinion and Order entered February 28, 2017 (DN 10), the Court conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915A and dismissed some claims and allowed Plaintiff to amend other claims. Specifically, the Court dismissed the following claims: the claim for injunctive relief and the claims against the Henderson City Police Department /City of Henderson pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted; and the official-capacity claims for damages against the Henderson County Commonwealth's Attorney pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted and pursuant to 28 U.S.C. § 1915A(b)(2) for seeking monetary relief from a defendant immune from such relief. The Court further provided Plaintiff with an opportunity to amend the complaint to name the person or persons involved in his claims; to sue them in their individual capacity; and to describe the facts surrounding each Defendant's involvement in his claims. The Court warned Plaintiff that his failure to file an amended complaint within 30 days from entry of the Memorandum Opinion and Order would result in the entry of a final Order dismissing the entire action for the reasons stated therein.

The 30-day period has expired, and the record reflects that Plaintiff has not filed an amended complaint. Therefore, the Court will enter a separate Order dismissing this action.

Date: April 26, 2017


Joseph H. McKinley, Jr., Chief Judge
United States District Court

cc: Plaintiff, pro se
Defendants
4414.005