

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

TROY DAVIS (#356886)

CIVIL ACTION

VERSUS

TIM DELANEY

17-335-SDD-RLB

**RULING**

On or about June 12, 2017, the *pro se* Plaintiff, a person confined at the Louisiana State Penitentiary (“LSP”) in Angola, Louisiana, filed a *Complaint*<sup>1</sup> alleging a civil rights violation pursuant to 42 U.S.C. § 1983 against Tim Delaney. The names of all Parties were not listed exactly the same in the caption and in Part III of the *Complaint*, and the Plaintiff did not pay the filing fee or submit a *Motion to Proceed in Forma Pauperis*. Pursuant to correspondence dated June 27, 2017,<sup>2</sup> the Court directed the Plaintiff to correct the aforementioned deficiencies within twenty-one (21) days and advised that failure to do so would result in dismissal of his suit without further notice.

A review of the record by the Court reflects that, despite notice and an opportunity to appear, the Plaintiff has failed to respond to the Court’s directives. Instead, the Plaintiff has refused and returned the referenced correspondence without compliance, and the sole reason provided for such non-compliance is his unwillingness to allow a correctional officer to open the envelope in front of him and inspect the contents for contraband.<sup>3</sup> This is an insufficient basis for failure to comply with the Court’s Deficiency Notice or correct the deficiencies of which the Plaintiff was notified. As such, the Plaintiff’s action shall be

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<sup>1</sup> Rec. Doc. 1.

<sup>2</sup> Rec. Doc. 2.


<sup>3</sup> See Rec. Docs. 3 and 4.

dismissed without prejudice for failure to correct the deficiencies of which he was notified.

Accordingly,

**IT IS HEREBY ORDERED** the above-captioned proceeding be dismissed without prejudice. *Judgment* shall be entered accordingly.

Baton Rouge, Louisiana the 18 day of September, 2017.

  
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SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA