

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11cv50

CALVIN BROOKS,)

Plaintiff,)

v.)

L.J. DONAHUE, Officer, Charlotte-)
Mecklenburg Police Department,)

Defendant.)

ORDER

THIS MATTER is before the Court upon Plaintiff's civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. No. 1).

Plaintiff alleges that on October 6, 2010, Defendant assaulted him, without provocation, by striking him in his right eye several times. (Doc No. 1 at 3). Plaintiff further alleges that his resulting injuries include problems with his eye, mental and emotional distress, pain, loss of sleep and headaches. (Id. at 3-4). Plaintiff seeks \$250,000 in compensatory and punitive damages. (Id. at 4). Upon a review of these matters, the Court finds that Defendant should be required to respond to Plaintiff's allegations.

IT IS, THEREFORE, ORDERED that:

1. The Clerk shall prepare process for Defendant and deliver it to the U.S. Marshal;
2. The U.S. Marshal shall serve process upon Defendant;
3. Defendant shall file a response to Plaintiff's allegations in accordance with the

Federal Rules of Civil Procedure; and

4. The Clerk shall send a copy of this Order to Plaintiff.

Signed: February 8, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

