

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:18-cv-00073-FDW**

**BERWYN ROBINSON,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **ALEXANDER CORRECTIONAL** )  
 **INSTITUTION,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon its own motion. On April 18, 2018, Berwyn Robinson, a prisoner of the state of North Carolina, filed a one-page document titled “Complaint of Medical Need,” in the United States District Court for the Eastern District of North Carolina. (Doc. No. 1.) Because Plaintiff names Alexander Correctional Institution as sole Defendant in this action, the Eastern District transferred the matter to this Court, where venue is proper. (Doc. Nos. 2, 3.)

In his filing, Robinson states that he wants to file a lawsuit against Defendant “because [he] is in pain.” (Doc. No. 1.) To the extent Robinson is attempting to file a civil rights action pursuant to 42 U.S.C. § 1983, his filing is subject to dismissal due to a number of deficiencies, not the least of which is that he fails to set forth any facts supporting any kind of claim.<sup>1</sup>

Furthermore, Alexander Correctional Institution is not a legal entity that may be sued under 42 U.S.C. § 1983. See Will v. Michigan Dept. of State Police, 491 U.S. 58, 71 (1989) (holding that

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<sup>1</sup> Plaintiff attached a copy of a grievance to his Complaint. (Pl.’s Ex., Doc. No. 1-1 at 2.) The Federal Rules of Civil Procedure, however, require that a civil complaint contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Simply attaching a grievance to a complaint is not sufficient to meet the pleading requirements of Fed. R. Civ. P. 8, even under the liberal construction allowances accorded pro se litigants.

neither a State nor its officials acting in their official capacities are “persons” under § 1983).

The Court shall provide Robinson the opportunity to file an amended § 1983 complaint. He shall be provided a blank form that is accepted by this Court for use by inmates who wish to file § 1983 complaints. He is directed to complete the form, sign and date it, and return it the Court within 21 days of entry of this Order. Robinson is forewarned that failure to file an amended complaint on the form provided shall result in dismissal of this action without further notice from the Court.

**IT IS, THEREFORE, ORDERED,** that the Clerk of Court shall mail Berwyn Robinson a blank form used by prisoners in this District to file 42 U.S.C. § 1983 complaints.

**IT IS FURTHER ORDERED** that Berwyn Robinson shall have twenty-one (21) days from entry of this Order to complete the form, sign and date it, and return it to the Court.

Signed: April 26, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

