

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK NELLOM	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS ROLANDS ROBERT J. DURISON	:	NO. 06-2354

M E M O R A N D U M

SURRICK, J,

JUNE 8, 2006

Plaintiff, a prisoner at the State Correctional Institution at Graterford ("SCI Graterford"), has filed a pro se 42 U.S.C. § 1983 civil rights complaint against the Supervisor of the Records Office at SCI Graterford and the Director of Records at the Curran-Fromhold Correctional Facility. He is alleging that his sentence has not been properly calculated. He is seeking injunctive relief.

Federal Rule of Civil Procedure 8(a)(2) provides that a pleading setting forth a claim for relief shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief." A civil rights complaint, like any other civil action, must be pled with sufficient specificity to give "the defendant fair notice of what claim is being pressed against him so that he can make an adequate response." Loftus v. Southeastern Pa. Transp. Auth., 843 F. Supp. 981, 986 (E.D. Pa. 1994) (citing Conley v. Gibson, 355 U.S. 41, 47 (1957)).

Plaintiff's complaint does not contain any reference to the defendants, thus depriving the defendants of fair notice to allow them to respond to his claims. Since plaintiff is pro se,

he will be granted leave to file an amended complaint to meet these pleading infirmities.

If plaintiff intends to pursue this case, he must file an amended complaint in which he describes as briefly as possible: (1) how the defendants are involved in his claims; (2) the dates on which his constitutional rights were allegedly violated; and (3) the attempts, if any, that he has made to resolve the problems with his sentence in the state court.

An appropriate order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK NELLUM : CIVIL ACTION
 :
 v. :
 :
 THOMAS ROLANDS :
 ROBERT J. DURISON : NO. 06-2354

O R D E R

AND NOW, this 8th day of June, 2006, having considered plaintiff's complaint and motion to proceed in forma pauperis, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for leave to proceed in forma pauperis is GRANTED pursuant to 28 U.S.C. § 1915(a).

2. This complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e), with leave to amend as specified in the Memorandum within thirty (30) days of the date of this Order. Upon the filing of an amendment, the Clerk shall not make service until so ORDERED by the Court.

3. Plaintiff, Frank Nellom, BN-5856, shall pay in installments the full filing fee of \$350.00. The Superintendent or other appropriate official at S.C.I. Graterford or any prison at which plaintiff may be incarcerated shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount, to be credited to Civil Action No. 06-2354, to "Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106."

4. The Clerk is directed to send a copy of this order to the Superintendent of S.C.I. Graterford.

BY THE COURT:

/s R BARCLAY SURRICK

R. BARCLAY SURRICK, J.