

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

**EDWARD W. DURHAM,**  
**Plaintiff,**

**v.**

**THE PHILADELPHIA PRISON  
SYSTEM, et al.,**  
**Defendants.**

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**CIVIL ACTION NO. 18-2113**

**ORDER**

AND NOW, this 25th day of June, 2018, upon consideration of Plaintiff Edward W.

Durham's *pro se* Complaint (ECF No. 2) it is ORDERED that:

1. The Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1), for the reasons stated in the Court's Memorandum.

2. Durham is given leave to file an amended complaint within thirty (30) days of the date of this Order. If Durham files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. Any individual or entity that is not listed in the caption will not be treated as a defendant. If Durham wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint must also describe how each defendant, including any John Doe or Jane Doe defendants, were responsible for violating Durham's rights. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

3. The Clerk of Court shall **SEND** Durham a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the civil action number of this case. Durham may use this form to file an amended complaint.

4. The United States Marshal for the Eastern District of Pennsylvania shall not serve the Complaint at this time.

5. If Durham fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

**BY THE COURT:**

**/s/ Gerald Austin McHugh**  
**United States District Judge**