

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

JAMAL BAYTON,	:	Civil Action No. 3:12-CV-2156
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
MONROE COUNTY PRISON	:	
and PRIMECARE MEDICAL	:	
	:	(Magistrate Judge Blewitt)
Defendants.	:	

**MEMORANDUM**

February 12, 2013

**BACKGROUND:**

On October 31, 2012, plaintiff Jamal Bayton, proceeding *pro se*, filed a complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1). Construing the complaint liberally<sup>1</sup>, Bayton’s complaint alleges an *Eighth Amendment* violation based on alleged inadequate medical treatment while he was housed at the Monroe County Correctional Facility (hereinafter “MCCF”). The named defendants are the Monroe County Prison<sup>2</sup> and PrimeCARE Medical.

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<sup>1</sup>*Pro Se* complaints in particular should be construed liberally. *Dluhos v. Strasberg*, 321 F.3d 365, 369 (3d Cir. 2003).

<sup>2</sup>Although plaintiff named the Monroe County Prison as a defendant, the correct name of the facility is the Monroe County Correctional Facility.

The matter was initially referred to United States Magistrate Judge Thomas M. Blewitt. On November 13, 2012, Judge Blewitt filed a sixteen-page report and recommendation (Doc. No. 8), recommending that Bayton's complaint be dismissed with prejudice, with the exceptions that the complaint be dismissed without prejudice for plaintiff to file an amended complaint against the MCCF medical staff who were personally involved in his *Eighth Amendment* Claim and against Monroe County under *Monell*. Objections to the report and recommendation were due November 30, 2012. Plaintiff did not file objections.

Because we agree with Judge Blewitt's thorough analysis that the complaint fails to state a claim upon which relief may be granted, the court will not rehash the sound reasoning of the magistrate judge.

The court will not, however, adopt the procedural aspects of the report and recommendation. This court will direct Bayton as to how to amend his complaint. However, if Bayton does not file an amended complaint that complies with the terms of this order and the report and recommendation of Magistrate Judge Blewitt (Doc. No. 8) on or before March 4, 2013, the court will dismiss the case with prejudice pursuant to Fed. R. Civ. P. 41(b).

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MONROE COUNTY PRISON	:	
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	:	(Magistrate Judge Blewitt)
Defendants.	:	

**ORDER**

February 12, 2013

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. United States Magistrate Judge Thomas M. Blewitt's Report and Recommendation is ADOPTED in part. ( Doc. No. 8)
2. On or before Tuesday, March 5, 2013, the plaintiff shall file an amended complaint.
3. The plaintiff's amended complaint shall be complete, in and of itself, without reference to any prior filings.
4. The plaintiff's amended complaint must include appropriate allegations of the defendants personal involvement.

5. The plaintiff's amended complaint must specifically state, in separate numbered counts, which constitutional right he alleges the defendant(s) have violated and which defendant(s) they are alleging are involved in each count.
6. In accordance with Fed. R. Civ. P. 8(d), each averment of the plaintiff's amended complaint shall be simple, concise and direct.
7. Should the plaintiff fail to file his amended complaint within the required time period, or fail to follow the above mentioned procedures, the undersigned will dismiss the action with prejudice.

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge