

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN ELLMAN,

Plaintiff

v.

PRIME CARE, INC., et al.,

Defendants

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:  
: No. 3:CV-14-0799  
:  
: (Judge Nealon)  
:  
:

FILED  
SCRANTON

JUL 31 2014

PER   
DEPUTY CLERK

MEMORANDUM


Plaintiff, Brian Ellman, an inmate at the Centre County Correctional Facility, Bellefonte, Pennsylvania, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. Along with the filing of his complaint, Ellman submitted an application requesting leave to proceed in forma pauperis under 28 U.S.C. § 1915. (Doc. 2). Named as Defendants are the Clinton County Correctional Facility, the Centre County Correctional Facility, and Prime Care Medical, Inc. Because Plaintiff's complaint named Defendants who were not "persons" within the meaning of § 1983, see Fischer v. Cahill, 474 F.2d 991, 992 (3d Cir. 1973), by Order dated June 10, 2014, the complaint was dismissed for failure to comply with Rule 8 of the Federal Rules of Civil Procedure, and for failure to state a claim upon which relief may be granted. (Doc. 8). He was granted twenty-one (21) days from the date of the Court's Order to file an amended complaint setting forth his claims in conformity

with Rule 8. Id. The Order further provided that if Ellman failed to file an amended complaint the case would be dismissed and the Clerk of Court would be directed to close the case. Id.

Although the time in which to file an amended complaint has expired, Ellman has neither filed an amended complaint nor requested an extension of time within which to do so. Consequently, the will be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim.

A separate Order will be issued.

Dated: July 31, 2014

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United States District Judge