

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARINOS N. GELARDOS,

Plaintiff,

v.

Civil Action No. **3:10CV779**

PAUL OHAI, et al.,

Defendants.

MEMORANDUM OPINION

Marinos N. Gelardos, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. The allegations in Gelardos's complaint failed to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)); Potter v. Clark, 497 F.2d 1206, 1207 (7th Cir. 1974) ("Where a complaint alleges no specific act or conduct on the part of the defendant and the complaint is silent as to the defendant except for his name appearing in the caption, the complaint is properly dismissed, even under the liberal construction to be given pro se complaints." (citing Brzozowski v. Randall, 281 F. Supp. 306, 312 (E.D. Pa. 1968))). Accordingly, by Memorandum Order entered on September 15, 2011, the Court directed Gelardos, within twenty-one (21) days of the date of entry thereof, to particularize his complaint in conformance with the Court's instructions. The

Court warned Gelardos that the failure to comply with the directives of the September 15, 2011 Memorandum Order would result in the dismissal of the action. See Fed. R. Civ. P. 41(b).

More than twenty-one (21) days have elapsed since the entry of the September 15, 2011 Memorandum Order and Gelardos has not responded. Such actions demonstrate a wilful failure to prosecute. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to mail a copy of the Memorandum Opinion to Gelardos.

It is so ORDERED.

_____/s/ REP_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: December 17, 2011