

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

VIRGILLIO VIRGO : CIVIL ACTION
 :
 v. :
 :
 GREGORY KULP, *et al.* : NO. 10-cv-7306-JF

MEMORANDUM

Fullam, Sr. J.

February 17, 2011

Plaintiff has filed a *pro-se* action alleging that his civil rights were violated while he was incarcerated at Lehigh County Prison. Although it appears that proper service was not effected on any of the named defendants, Defendant Gregory Kulp, for whom counsel has entered an appearance, has filed a motion for a more definite statement and for dismissal of the complaint.

Mr. Kulp argues that the claims brought against him should be dismissed without prejudice, as Plaintiff's complaint (filed on the court-provided complaint form for use by prisoners) does not specify the date on which the alleged incident occurred, preventing Mr. Kulp from formulating a proper response. I agree that the complaint is too vague; for example, where the form asks for the date and time of the incident, Plaintiff has written only "11:30," followed by two unreadable symbols. It is also unclear what acts Plaintiff alleges each defendant performed. Plaintiff may file an amended complaint, in which he must fill out Section II of the complaint form with greater specificity. The amended

complaint must clearly state the names and positions of the individuals against whom Plaintiff is bringing claims and provide the approximate day, month, and year on which the alleged incident that forms the basis for his claims took place.

Plaintiff has also filed two motions, styled as a "Motion for More Definite Statement" and a "Motion [for] Relief for Redress." The "Motion for More Definite Statement" actually requests that the Court order a polygraph examination. The motion will be denied, as I have no basis for ordering a polygraph examination. The "Motion [for] Relief for Redress," which seeks appointment of counsel, will also be denied for the time being.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 17th day of February 2011, upon
consideration of the pending motions in this case, IT IS ORDERED:

1. That Defendant Gregory Kulp's Motion for a More
Definite Statement (Document No. 7) is GRANTED. The complaint is
dismissed without prejudice. The Clerk is directed to provide
Plaintiff with a copy of the prisoner complaint form, and
Plaintiff may file an amended complaint no later than March 30,
2011 in accordance with the guidelines set forth in the
accompanying Memorandum.

2. That Plaintiff's self-styled "Motion for More
Definite Statement" (Document No. 8) is DENIED.

3. That Plaintiff's "Motion for Relief for Redress"
(Document No. 9), construed as a request for the appointment of
counsel, is DENIED.

4. That the Clerk is directed to mark the case-file
CLOSED, to be re-opened if an amended complaint is filed.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.