

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

WILLIAM KAY, Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 97-5813
	:	
THE HONORABLE J. ANDREW SMYSER,	:	
et. al., Defendants.	:	

MEMORANDUM

R.F. KELLY, J.

JANUARY , 1998

William Kay ("Kay") has filed a civil complaint alleging that his constitutional rights were violated. Kay has named twenty-six individuals as Defendants. Twenty-four of those Defendants are federal officials (the "Federal Defendants"). The two remaining non-federal Defendants are Jack McMahon, Esquire, an attorney who represented Kay during a criminal trial, and Ralph Megliola, whose connection to this case is currently unknown. All Defendants, except Ralph Megliola who has not yet been served,¹ have moved for dismissal of the complaint for failure to comply with Rule 8 of the Federal Rules of Civil Procedure.

Defendants correctly characterize Plaintiff's 30 paragraph complaint as an "incomprehensible diatribe." The document fails to comply, even minimally, with Rule 8(a) which

¹ Plaintiff has failed to properly serve any of the Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure.

provides that a complaint must contain:

(1) a short plain statement of the grounds upon which the court's jurisdiction depends, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks.

FED. R. CIV. PRO. 8(A). Defendants cannot properly respond to Plaintiff's complaint as drafted. Accordingly, Plaintiff is directed to file an amended complaint which conforms with the Federal Rules of Civil Procedure within 30 days. Additionally, Plaintiff is directed to properly serve all of the Defendants in accordance with Rule 4. Failure to do so will result in dismissal. An Order follows.

