

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOYIME MICHAUD, :
 :
 Plaintiff, :
 : PRISONER
 V. : CASE NO. 3:03cv1375(RNC)
 :
 TERESA LANTZ, et al. :
 :
 Defendants. :

RULING AND ORDER

Plaintiff Joyime Michaud, who has been released from the custody of the Connecticut Department of Correction, brings this action pro se pursuant to 28 U.S.C. § 1915, alleging violations of his rights under the United States Constitution.¹ Defendants have filed a motion to dismiss and a motion for a more definite statement. For the reasons stated below, the motion to dismiss is granted in part and the motion for a more definite statement is denied.

I. Facts

Plaintiff brought this action in August 2003 against four officials of the Department of Correction in their official and individual capacities. He alleges that when he was readmitted to the custody of the Department of Correction, he was classified as a safety threat and segregated from the general population in a

¹ The defendants are Theresa Lantz, incorrectly named as "Commissioner of Corrections Lance"; Captain Neftali Rodriguez; Correctional Counselor Aldi; and Disciplinary Hearing Officer Murray.

restrictive housing unit without being afforded due process. He was released from custody in November 2003 and sent the court his current address in March 2004.

II. Discussion

A. Motion to Dismiss

Defendants raise two grounds for dismissal: (1) plaintiff failed to prosecute this action by failing to keep the court and defendants informed of his current address; and (2) his claims seeking monetary damages from defendants in their official capacities are barred by the Eleventh Amendment.

On the first point, though plaintiff did fail to update his address with the court between November 2003 and March 2004, dismissing his claim on that basis would be a disproportionate response.²

Defendants observe correctly that plaintiff may not recover money damages from state employees in their official capacities. Kentucky v. Graham, 473 U.S. 159 (1985). However, plaintiff sues defendants in their individual capacities as well. Thus, this action need be dismissed only insofar as it claims money damages from defendants in their official capacities.

² Defendants state that papers sent to plaintiff on March 29, 2004, were returned as undeliverable, but papers sent there by the court were not returned and have produced responses.

B. Motion for More Definite Statement

Defendants ask the court to order plaintiff to provide the date of the readmission to the custody of the Department of Correction that is the subject of this action. A motion for more definite statement may be granted only when a pleading "is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading...." Fed. R. Civ. P. 12(e). Plaintiff's failure to include the date of his readmission does not render his complaint so vague and ambiguous that defendants cannot frame an answer. If defendants cannot determine which of plaintiff's readmissions is at issue, they may obtain that information through the discovery process.

III. Conclusion

Accordingly, defendants' motion to dismiss [Doc. # 8] is granted as to any claims for money damages brought against defendants in their official capacities, and denied in all other respects. Defendants' motion for a more definite statement [Doc. # 10] is denied.

So ordered.

Dated at Hartford, Connecticut this ____ day of August 2004.

Robert N. Chatigny
United States District Judge