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FILED

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

2003 MAY 21 P 2:54  
U.S. DISTRICT COURT  
BRIDGEPORT CT

JAMES HANTON,  
*Plaintiff*

PRISONER  
CIVIL NO. 3:02CV997(CFD)(WIG) *mc*

v.

MARY MARTO, ET AL.,  
*Defendants*

March 18, 2003

**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, the defendants, Mary Marto, et al., hereby move for judgment on the pleadings. Plaintiff, a pro se inmate, originally brought this action based on the alleged failure of various state officials to provide dental care. In a supplemental complaint dated July 22, 2002, the plaintiff added an unrelated claim concerning an alleged deprivation of legal property by correctional officials. Defendants have answered the operative complaint. As discussed in more in the accompanying memorandum of law, defendants are entitled to judgment on the pleadings for the following reasons:

- (a) There exist adequate state law post-deprivation procedures under which plaintiff can seek relief for his property claim;
  - (b) Plaintiff has not adequately alleged retaliation in connection with his property claim;
  - (c) Plaintiff fails to state a claim for denial of access to courts;
  - (d) Plaintiff fails to allege sufficient personal involvement on the part of defendants Penn and Kelly to state a claim against them under 42 U.S.C. § 1983;
- The property claim is improperly joined with the dental claim and should be severed;
- The defendants are entitled to qualified immunity against an award of monetary damages;
- Plaintiff's medical claim is barred by the doctrine of collateral estoppel;

DENIED, without prejudice to filing a motion for summary judgment. So ordered.

Christopher F. De...  
United States District...  
5/21/04

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U.S. DISTRICT COURT  
BRIDGEPORT CT