

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

ERIC UNDRA ALLEN,)
)
Plaintiff,) CIVIL ACTION NO.
)
v.) 3:12cv485-MHT
)
 (wo)
EAST ALABAMA MEDICAL)
CENTER, et al.,)
)
Defendants.)

OPINION

Plaintiff filed this lawsuit against some 26 defendants (physicians and health-care facilities) asserting that they failed to provide him with appropriate medical treatment for his physical condition. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed. Also before the court are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted. See Mack v.

City of High Springs, ___ Fed. App'x. ___, 2012 WL 3124565
(11th Cir. 2012) (affirming district court's dismissal of pro se litigant's claims pursuant to 28 U.S.C. § 1915 for failure to state a claim where the plaintiff failed to allege facts suggesting that defendants discriminated against him due to his disability and observing that plaintiff's conclusory allegations of discrimination are not sufficient to state a claim).

Also before the court is plaintiff's motion for leave to amend his complaint to add four more defendants to the original 26. The facts alleged in the proposed amendment (disregarding the conclusory statements) do not demonstrate plaintiff's entitlement to relief under legal theory. Moreover, even if the facts alleged were sufficient to state a claim, the 26 defendants already named are not properly joined as defendants in the single lawsuit and the plaintiff now seeks to expand the lawsuit by misjoining four additional defendants. As to the four proposed defendants (three doctors and an MRI imaging

business in Birmingham, Alabama, all non-public-entity defendants), plaintiff is not entitled to damages under the ADA, and he has not alleged facts demonstrating state action for purposes of his constitutional claims. The motion for leave to amend is due to be denied.

An appropriate judgment will be entered.

DONE, this the 13th day of November, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE