

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MYRIAH MELTON,

Plaintiff,

v.

Case No: 2:16-cv-182-FtM-29MRM

CORIZON MEDICAL, DR. SAFRON,  
Charlotte Behavioral Health  
Care, and FNU MASAMI,  
Charlotte Behavioral Health  
Care,

Defendants.

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**OPINION AND ORDER**

This matter comes before the Court upon review of the motion to dismiss (Doc. #23) filed on behalf of Defendants Corizon LLC, Doctor Andrew Safron, and Masami Kolbenschlag (collectively "Medical Defendants"). Plaintiff did not file a response and his time to do so has expired. This case is ripe for review.

**I.**

Plaintiff Myriah Melton initiated this action proceeding *pro se* by filing a Civil Rights Complaint Form (Doc. #1) while detained at the Charlotte County Jail. The Complaint identifies the Charlotte County Jail's contracted provider for medical care, Corizon LLC and its medical staff who allegedly failed to properly screen Plaintiff and/or provide her previously prescribed mental health medications to treat PTSD, OCD, ADHD, and bipolar/manic

depression conditions. Complaint at 6-7. Plaintiff alleges the medical department's failure to provide her with these medications has impacted her mental health condition and contributed to her being involved in an incident at the jail, which almost led to criminal charges. Id. at 6. As relief, Plaintiff requests that the Charlotte County Jail's mental health screening process be changed to require medical staff to follow the mental health treatment in place by a pre-trial detainees psychiatrist's immediately preceding detention. Id. at 7. Plaintiff explains that the medical department's failure to following her treatment regime has cost her time and money. Id.

## II.

The Medical Defendants collectively move to dismiss and argue that Plaintiff has not adequately invoked this Court's subject matter jurisdiction under 28 U.S.C. § 1331 or 28 U.S.C. § 1332(a). Motion at 1. The Medical Defendants submit that Plaintiff has based her claims on violations of the Florida Model Jail Standards and not on any federal statutes, or the United States Constitution. Id. at 3. Therefore, the Medical Defendants argue that this Court must dismiss the action.

## III.

It is well established that a document filed *pro se* is "to be liberally construed." Erickson v. Pardus, 551 U.S. 89, 94 (2014) (citing Estelle v. Gamble, 429 U.S. 97, 106 (1976)). Further, a

*pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Id. Federal Rule of Civil Procedure 8(f) requires the Court to construe all pleadings "to do substantial justice."

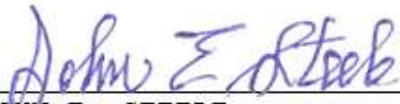
The Complaint Form utilized by Plaintiff to initiate this action is the standard form used by *pro se* pre-trial detainees and prisoners to file actions under 42 U.S.C. § 1983. Thus, the instant federal civil is action is filed under 42 U.S.C. § 1983. Further, the facts set forth in the Complaint state a plausible Fourteenth/Eighth Amendment deliberate indifference to serious medical condition claim stemming from the medical defendants alleged failure to provide mental health medications for Plaintiff's numerous mental health conditions. See Estelle, 429 U.S. at 104-105 ("[D]eliberate indifference to serious medical needs to prisoners constitutes the unnecessary and wanton infliction of pain . . . proscribed by the Eight Amendment," and this includes "indifference . . . manifested by prison doctors in their response to the prisoner's needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed." (footnotes and internal quotation marks omitted). Accordingly, this Court has jurisdiction.

ACCORDINGLY, it is hereby

**ORDERED:**

Defendants' motion to dismiss (Doc. #23) is **DENIED**.  
Defendants must file an answer within **twenty-one (21) days**.

**DONE** and **ORDERED** in Fort Myers, Florida on this 15th day  
of June, 2017.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

SA: ftmp-1  
Copies: All Parties of Record