

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KENEL JOSEPH,

Plaintiff,

v.

Case No.: 2:23-cv-578-SPC-NPM

K. WILLIAMS, M. NEAL, RICKY
DIXON and KENNETH
SUMPTER,

Defendants.

OPINION AND ORDER

Before the Court is Plaintiff Kenel Joseph's Amended Complaint (Doc. 15). Joseph—a prisoner of the Florida Department of Corrections (FDOC)—sues several state officials under 42 U.S.C. § 1983. After United States Magistrate Judge Nicholas Mizell granted Joseph leave to proceed *in forma pauperis*, the Court reviewed Joseph's original complaint to determine if it was frivolous or malicious, failed to state a claim, or sought monetary judgment from someone who is immune from such relief. *See* 28 U.S.C. § 1915(e). The Court dismissed the initial complaint and gave Joseph leave to file an amended complaint. The Court now reviews Joseph's Amended Complaint, applying the same legal standards set out in the Opinion and Order dated August 22, 2023.


Joseph's Amended Complaint is frivolous. The term, as used in § 1915, "embraces not only the inarguable legal conclusion, but also the fanciful allegation." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Joseph claims the defendants have been broadcasting his thoughts to all other FDOC inmates, torturing him with an "unusual machine" and voices in his head, and spying on him from the ventilation system. Joseph's claims are frivolous because they "include allegations that are fanciful, fantastic, irrational, and/or delisional[.]" *Porter v. Governor of the State of Fla.*, 667 F. App'x 766, 767 (11th Cir. 2016).

Accordingly, it is now

ORDERED:

Joseph's Amended Complaint (Doc. 15) is **DISMISSED**. The Clerk is **DIRECTED** to enter judgment, deny pending motions as moot, terminate any pending deadlines, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on September 15, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record