

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KENNETH MCCLELLEN
ADKINS,

Plaintiff,

v.

Case No.: 2:24-cv-199-SPC-KCD

CHARLOTTE C.I., NOE,
CENTURION MEDICAL and
F.D.O.C. TALLAHASSEE,

Defendants.

/

OPINION AND ORDER

Before the Court is Plaintiff Kenneth McClellen Adkins' Amended Complaint (Doc. 13). Adkins is a prisoner of the Florida Department of Corrections (FDOC) and is litigating this civil-rights action *pro se*. Adkins asserts an Eighth Amendment deliberate-indifference claim, but the Court dismissed Adkins original complaint under 28 U.S.C. § 1915(e)(2) because it did not include enough factual detail to state a plausible claim. The Court identified the elements of an Eighth Amendment claim, then explained why Adkins' original complaint was deficient and instructed Adkins on how to correct the deficiency:

The entirety of Adkins' factual allegations are: "I was & have been denied Hep C treatment mandated by federal courts[,]” which caused “further deterioration of liver & bodily health.” (Doc. 1 at

5). That is not enough to state a plausible deliberate-indifference claim. Adkins must allege facts that establish each of the elements identified above. It is not enough for Adkins to allege that he was harmed—he must allege facts showing that each defendant violated his rights. And Adkins must state his factual claims in separate, numbered paragraphs. See Fed. R. Civ. P. 10.

To continue this action, Adkins must file an amended complaint that states a plausible deliberate-indifference claim and satisfies federal pleading standards.

(Doc. 12 at 3-4).

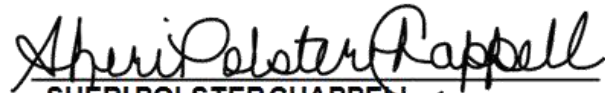
Adkins did not follow the Court's instructions when drafting his Amended Complaint. Specifically, he failed to allege facts showing that any individual defendant violated his rights. The Court will give Adkins one more chance to amend. A second amended complaint must state specific facts describing how each individual defendant exhibited deliberate indifference to Adkins' medical need. Adkins must allege what each defendant did—he cannot merely allege that he has been harmed, nor can he rely on the conclusory allegation that the defendants have violated the law.

Accordingly, it is now

ORDERED:

Plaintiff Kenneth McClellan Adkins' Amended Complaint (Doc. 13) is **DISMISSED without prejudice**. Adkins may file a second amended complaint within **21 days** of this Order. **Otherwise, the Court will close this case without further notice.**

DONE and **ORDERED** in Fort Myers, Florida on May 13, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record