

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BOBBY L. STEVERSON,

Plaintiff,

v.

Case No. 8:22-cv-1462-CEH-AEP

RICKY DIXON, *et al.*,

Defendants.

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ORDER

Before the Court is Plaintiff's Amended Complaint (Doc. 14). After examining the Amended Complaint in accord with 28 U.S.C. § 1915A,¹ the Court concludes that the claims against Defendant R. Solorzano-Pallais will be dismissed for the same reasons the claims were dismissed in the April 10, 2024 Order (*See* Doc. 13 at 15-17). Additionally, the claims against Defendant Uney and Defendant Miller in their official capacities will be dismissed because Plaintiff failed to allege sufficient facts showing Defendants' actions were taken pursuant to a custom, policy, or practice of the Department of Corrections or another policymaker. *Will v. Michigan Dep't of State*

¹ Section 1915A provides that a Court shall review a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity, and shall dismiss same, or any portion thereof, if the Court determines that the complaint is "frivolous, malicious, or fails to state a claim upon which relief may be granted[.]"

Police, 491 U.S. 58, 71 (1989) (“[A] suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office.”); *McFarland v. City of Tampa*, 2016 WL 695986, at *3 (M.D. Fla. Feb. 22, 2016) (“To pursue a claim in a defendant’s official capacity, a plaintiff must allege facts showing that an official policy or custom caused the alleged injury.”). Accordingly, it is

ORDERED:

1. All claims against Defendant R. Solorzano-Pallais are **DISMISSED** with prejudice.
2. The Clerk of Court shall **TERMINATE** Defendant R. Solorzano-Pallais as a party to this action.
3. All claims against Defendant Uney and Defendant Miller in their official capacities are **DISMISSED** with prejudice.
4. This action will proceed on Plaintiff’s Eighth Amendment claims against Defendant Uney and Defendant Miller in their individual capacities.

DONE AND ORDERED in Tampa, Florida, on May 9, 2024.


Charlene Edwards Honeywell
United States District Judge

Copy to: Plaintiff, *pro se*