

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

JOHNNY LEE JORDAN, JR.,

Plaintiff,

v.

CASE NO. 4:18cv149-RH-CAS

SERGEANT KAREN FEWELL,

Defendants.

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**ORDER STRIKING ANY DEMAND FOR DAMAGES  
FOR MENTAL OR EMOTIONAL INJURY**

This prisoner civil-rights case is before the court on the magistrate judge's report and recommendation, ECF No. 51, and the objections, ECF No. 53. I have reviewed de novo the issues raised by the objections.

Under 42 U.S.C. § 1997e(e), a prisoner can recover damages for “mental or emotional injury” only on a showing of physical injury or commission of a sexual act. The plaintiff has not alleged a physical injury or sexual act, so he cannot recover damages for mental or emotion injury. This does not preclude him from recovering other kinds of actual damages—what are sometimes referred to as special damages—but the plaintiff has alleged none. Thus, for example, the

plaintiff says in the objections that the defendants denied him access to court, but the plaintiff has identified no loss of money or other damage—other than mental or emotional injury—that allegedly resulted from inability to pursue a court proceeding.

The plaintiff is nonetheless entitled to claim nominal damages. His assertion that this can be \$900 or \$3,500 is not correct. My practice is to treat nominal damages as \$10.

**IT IS ORDERED:**

The report and recommendation is accepted. The defendant's motion to dismiss, ECF No. 43, is granted in part. Any claim for damages for mental or emotional injury is struck. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on October 24, 2019.

s/Robert L. Hinkle  
United States District Judge