

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

GREGORY HARRIS,

Plaintiff,

v.

Case No. 4:20-cv-343-AW-MAF

FLORIDA DEP'T OF CORRECTIONS,

et al.,

Defendants.

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ORDER OF DISMISSAL

Gregory Harris sued the Department of Corrections and several of its employees. ECF No. 1. The magistrate judge, through an August 10, 2020 Report and Recommendation, recommends dismissal. ECF No. 13. I have reviewed the Report and Recommendation, and I have considered de novo Harris's objections (ECF No. 14.)

As the magistrate judge notes, Harris is a three-strikes inmate who seeks to proceed in forma pauperis. Because he has not paid the full filing fee, he can proceed only if he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). So the question is whether he has shown that he has. I agree with the magistrate judge and conclude he has not.

There are two basic claims embedded in Harris's complaint. First, he alleges that he contracted a blood virus that led to severe itching, scratching, and bleeding.

He alleges that defendants violated the Eighth Amendment by not affording proper medical treatment for this condition. Second, he alleges that certain of the defendants violated the Eighth Amendment by physically assaulting him. As to the latter claim, he has alleged only past conduct—no threat of future harm. So that provides no basis to proceed. As to the former—inadequate treatment for the blood infection—I agree that he has not provided nonconclusory allegations that would show he faces “imminent danger of serious physical injury.” Therefore, I conclude dismissal is appropriate.

The Report and Recommendation (ECF No. 13) is approved. The clerk will enter a judgment that says, “This case is dismissed without prejudice based on 28 U.S.C. § 1915(g).” The clerk will then close the file.

SO ORDERED on September 14, 2020.

s/ Allen Winsor
United States District Judge