

APR 11 2016

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

c

RICHARD W. BLACK,
Plaintiff

CIVIL ACTION NO. 1:14-CV-00518;
SEC. P

VERSUS

CHIEF JUDGE DRELL

VICTOR JONES, ET AL.,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is Plaintiff's Emergency Motion for Medical Care (Doc. 132). Plaintiff asserts that some of his medications have been replaced with a generic version. Plaintiff asserts that he should have been examined by a physician before his medication was changed and moves to have his medications changed back to the brand name medication.


"The refusal to provide medicine that was prescribed at another facility or by a different doctor does not rise to the level of deliberate indifference. Furthermore, to the extent that [Plaintiff] contests the decision to prescribe generic medicines instead of the medicines that he previously was prescribed, his dissatisfaction does not give rise to a claim under § 1983." Simon v. LeBlanc, 623 Fed.Appx. 276, 277 (5th Cir. 2015) (citations omitted). Phrased more succinctly, "Plaintiff is not entitled to receive name brand drugs in lieu of generic drugs." Simon v. LeBlanc, No. 14-CV-2606, 2015 WL 464426 (W.D.La. 2/3/15) (citations omitted).

Plaintiff was seen by a physician. Plaintiff attached a copy of the prescription, written by a provider with LSU Hospital in Shreveport, for two medications: (1)

Zovirax; and (2) Prilosec. That prescription included a box which could be checked to indicate that the prescription was to be dispensed exactly as written. When checked, the "DISPENSE AS WRITTEN" box indicates to a pharmacist to provide the prescription exactly as written and not to substitute a generic form of the drug. The "DISPENSE AS WRITTEN" box on the prescription provided by Plaintiff was not checked (Doc. 132-1).

Accordingly, IT IS ORDERED that Plaintiff's Emergency Motion for Medical Care (Doc. 132) is DENIED.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this
11 day of April, 2016.



Joseph H.L. Perez-Montes
United States Magistrate Judge