

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

CHRISTOPHER ABRAMS,)

Plaintiff,)

v.)

No. 2:15CV19 DDN

TOMAS CABRERA,)

Defendant.)

MEMORANDUM AND ORDER

Plaintiff, a prisoner seeking leave to proceed in forma pauperis, brings this action under 42 U.S.C. § 1983. Having reviewed plaintiff's financial information the Court assesses a partial initial filing fee of \$34, which is twenty percent of his average monthly deposit. See 28 U.S.C. § 1915(b).

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct."

Plaintiff alleges that defendant Cabrera, the on-site physician at Northeast Correctional Center, was deliberately indifferent to his serious medical needs. Plaintiff says that he had a mature cataract in his right eye, which was previously diagnosed by an ophthalmologist. The diagnosis was in his prison medical chart. Plaintiff self-declared an emergency because his eye was swollen and he could not see out of it. The on-duty nurse informed Cabrera about plaintiff's

condition, but Cabrera did not examine him. Cabrera only prescribed ibuprofen and antibiotics, which were not indicated or effective. Eventually, plaintiff was treated. However, due to the delay in treatment, plaintiff now has “angle closure glaucoma,” optical nerve damage resulting in vision loss, and other permanent conditions.

The complaint states a plausible claim under the Eighth Amendment. As a result, the Court will direct the Clerk to issue process on the complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$34 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that the Clerk shall issue process on the complaint, in accordance with the Court’s agreement with Corizon, Inc.

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on March 24, 2015.