

set forth in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). In screening a complaint for dismissal, a court must disregard conclusions disguised as factual allegations. *See Iqbal*, 556 U.S. at 678-79 (“Rule 8 marks a notable and generous departure from the hyper-technical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions”); *Mayer v. Belichick*, 605 F.3d 223, 229-230 (3d Cir. 2010) (“[A] court is not required to accept legal conclusions alleged in the complaint. The pleading must contain sufficient factual allegations so as to state a facially plausible claim for relief.”) (citations omitted). After disregarding conclusory statements, a court must determine if the complaint contains “sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’ A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678 (citation omitted). “Because vicarious liability is inapplicable to *Bivens* and § 1983 suits, a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” *Iqbal*, 129 S. Ct. at 1948.

4. By the *Iqbal* standard, the Third Amended Complaint is deficient. The Third Amended Complaint fails to state an Eighth Amendment deliberate claim, because Plaintiff does not plead facts showing a defendant’s deliberate indifference to his serious medical needs regarding Hepatitis C and/or Plaintiff’s dental needs for extraction, filling and a partial plate. As this Court has previously stated in this matter, “[t]o establish deliberate indifference, a plaintiff must show that the defendant was subjectively aware of the unmet medical need and failed to reasonably respond to that need.” (ECF No. 9 at 6.) (citing *Farmer v. Brennan*, 511 U.S. 825 (1994)). Plaintiff’s filings in response to this Court’s previous Memorandum Opinion and Order do not

cure the deficiencies in pleading, namely the failure to state a claim upon which relief may be granted. Thus, the Third Amended Complaint will be dismissed.

5. An appropriate Order accompanies this Memorandum Opinion.

/s/ Joel A. Pisano
JOEL A. PISANO
United States District Judge

Dated: February 28, 2014