

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF OHIO

ANTOINE LOGAN,)	CASE NO. 1:17 CV 2003
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
MANSFIELD CORRECTIONAL)	<u>AND ORDER</u>
INSTITUTION, et al.,)	
)	
Defendants.)	

On September 21, 2017, Plaintiff *pro se* Antoine Logan, an inmate at the Mansfield Correctional Institution (“ManCI”), filed the above captioned action under 42 U.S.C. § 1983 against Defendants ManCI, ManCI Warden Alan Lazaroff, and ManCI Nurse Practitioner Kendra Newland. Plaintiff alleges Newland advised him not to worry about side effects from an antacid he was prescribed, and he sustained injury to his kidney from the medication.

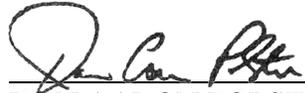
A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

Even construing the Complaint liberally, Plaintiff fails to state a valid claim for relief.

Only deliberate indifference to serious medical needs or extreme deprivations regarding the conditions of confinement will implicate Eighth Amendment protections. *Hudson v. McMillian*, 503 U.S. 1, 9 (1992). An official acts with deliberate indifference when “he acts with criminal recklessness,” a state of mind that requires that the official act with conscious disregard of a substantial risk of serious harm. *Farmer v. Brennan*, 511 U.S. 825, 837. Mere negligence will not suffice. *Id.* at 835-36. Consequently, allegations of medical malpractice, negligent diagnosis, or negligent treatment fail to state an Eighth Amendment claim. *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). Plaintiff’s allegations do not describe conduct indicating a degree of culpability greater than negligence.

Accordingly, this action is dismissed pursuant to 28 U.S.C. §1915A. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

 11/17/2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE