

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DALE A. DAVIS,

Plaintiff,

v.

CASE NO. 8:24-cv-413-SDM-NHA

ZEPHYRHILLS CORRECTIONS,

Defendants.

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**ORDER**

Davis, imprisoned in the Zephyrhills Correctional Institution, submitted a single-page letter, which the clerk filed as a civil rights complaint. Davis neither moved for leave to proceed *in forma pauperis* nor paid the full \$405 filing fee. Nevertheless, under either 28 U.S.C. § 1915(e) (if proceeding *in forma pauperis*) or 28 U.S.C. § 1915A (if the full filing fee is paid), the Prisoner Litigation Reform Act (“PLRA”) requires a district court both to review the complaint and to dismiss the complaint if frivolous or malicious or for failing to state a claim upon “which relief may be granted.” Although entitled to a generous interpretation, *Haines v. Kerner*, 404 U.S. 519 (1972) (*per curiam*), the letter is insufficient to support a civil rights action.

In the single-page letter Davis alleges that “they broke my leg and refuse me medical treatment.” Davis neither identifies the “they” nor when his leg was broken

nor when he was denied medical care. Also, the only potentially identified defendant is “Zephyrhills Corrections,” which, as part of the Florida Department of Corrections, is not a legal entity subject to suit. Davis must identify the persons responsible for allegedly injuring him and denying him medical care.

This construed action is dismissed without prejudice to Davis’s pursuing a claim in a new action, under a new case number, written on the form required for a *pro se* litigant, and with either payment of the full filing fee or a motion for leave to proceed *in forma pauperis*.

The construed complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. The clerk must **CLOSE** this case and send to Davis both a civil rights complaint form and a “Prisoner Consent and Financial Certificate” form. Davis must use the forms to file a new action under a new case number.

ORDERED in Tampa, Florida, on February 23, 2024.



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STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE