

# APPENDIX - A

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-11229  
Non-Argument Calendar

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D.C. Docket No. 9:17-cv-80178-KAM

JOEL BARCELONA,

Plaintiff-Appellant,

versus

SERGEANT PARISH,  
South Bay Correctional Facility,  
OFFICER JONES,  
South Bay Correctional Facility,  
OFFICER MAGGIRT,  
South Bay Correctional Facility,  
NURSE CHANU,  
South Bay Correctional Facility,  
NURSE KELLY,  
South Bay Correctional Facility,  
WARDEN,  
FLORIDA DEPARTMENT OF CORRECTIONS,

Defendants-Appellees,

LIEUTENANT WILSON,  
South Bay Correctional Facility,

Defendant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(July 30, 2021)

Before JILL PRYOR, BRANCH, and LUCK Circuit Judges.

PER CURIAM:

Joel Barcelona, proceeding *pro se*, sued several Florida prison officials under 42 U.S.C. § 1983, alleging that they were deliberately indifferent to his serious medical needs, in violation of the Eighth Amendment. The district court granted summary judgment to the defendants. With the benefit of counsel, Barcelona appeals that order. He also argues that the district court erred in dismissing his deliberate indifference claim against an officer without first giving him an opportunity to amend his complaint and that the district court abused its discretion in denying his motion for appointment of counsel. After careful consideration, we affirm.

I. Background

Barcelona is a former inmate at Florida's South Bay Correctional Facility ("South Bay"). Barcelona filed a *pro se* 42 U.S.C. § 1983 complaint against four

individual employees at South Bay, Nurses Chunnu,<sup>1</sup> Nurse Kelly,<sup>2</sup> Sergeant Parrish, and Officer Jones. He alleged that, while he was incarcerated at South Bay, these defendants were deliberately indifferent to his serious medical needs, in violation of the Eighth Amendment.

Barcelona's complaint alleged the following pertinent facts. On the morning of April 25, 2016, he "suffered . . . chest paint and shortness of breath" and "nearly collapse[d]." Believing that he was facing "a life threatening illness," Barcelona "declared [a] medical emergency." Nurse Chunnu allegedly told Barcelona that "everything [was] normal" and that "you are not sick . . . [y]ou lied to me" before sending Barcelona back to his cell. The next morning on April 26, 2016, Barcelona complained of the same symptoms, but Nurse Chunnu again stated that he "lied to her" and that he did "[not] have . . . chest pain [or] shortness of breath." After determining that he was "not sick," Nurse Chunnu sent Barcelona back to his cell. Once more, on the morning of April 27, 2016, Barcelona complained of "extreme chest pain and shortness of breath" and asked Nurse Kelly to call 911. He "was assessed by Nurse [Kelly]" who told him that he "lied to [her]," he was

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<sup>1</sup> We note that Barcelona's *pro se* complaint named "Nurse Chanu" as a defendant. We will use the correct spelling of her name: "Chunnu."

<sup>2</sup> Barcelona's complaint also referred to "Nurse Major," who was later identified as Nurse Kelly.

“not sick,” and he had “no chest pain” or “shortness of breath.” Nurse Kelly declined to call 911 and sent Barcelona back to his cell.

About an hour later, some South Bay correctional officers were inspecting prison cells when they noticed that Barcelona was “lying down on [his] bed suffering severe chest pain and shortness of breath.” The officers called “medical emergency,” which prompted Nurses Kelly and Chunnu to arrive at Barcelona’s cell. TWO NURSES NEVER CAME TO MY CELL. Nurse Chunnu allegedly said “you again,” accused Barcelona of lying, and stood by her previous diagnoses that Barcelona was not experiencing chest pains or shortness of breath. Sufficiently culpable state of mind.

Later that afternoon, a South Bay medical doctor determined that Barcelona should see a doctor, and South Bay officials transported Barcelona to Lakeside Medical Center (“Lakeside”). At Lakeside, “at least five doctors at the E.R.” diagnosed Barcelona with a duodenal ulcer that caused “stomach bleeding,” low blood pressure, and a loss of blood. Barcelona was given I.V.s, oxygen, and a blood transfusion. On April 29, 2016, doctors performed a surgical procedure to stop the stomach bleeding.

On the afternoon of April 30, 2016, Sergeant Parrish, Officer Jones, and one CONFLICTING STATEMENT OF FACTS. SEE additional correctional officer arrived at Lakeside, told Barcelona that “we are ORIGINAL COMPLAINT, APPENDIX A, leaving,” and ordered a Lakeside nurse to remove Barcelona’s I.V.s and oxygen tube. As the officers were leaving with Barcelona, a doctor allegedly chased down

the officers and asked them “what happened?” When Barcelona asked the doctor for medication to treat his chest pain and shortness of breath, the doctor indicated that he could not prescribe medications but would see Barcelona for a “follow up” in two months. Barcelona alleged that Sergeant Parrish—rather than any doctor at ~~Lakeside~~ *DERIVED PETITIONER TO SEE A DOCTOR FOR FOLLOW-UP. SEE APPENDIX C.* Lakeside—ordered his discharge.

After Barcelona returned to South Bay, a prison nurse stated that, “we [did] not expect[] you to come back today.” Barcelona was placed in the South Bay infirmary and continued to suffer chest pain and shortness of breath. On May 12, 2016, a prison doctor informed him that “everything [was] O.K.” and that he could return to his cell.

Barcelona continued to complain of chest pain and shortness of breath, which led to several follow up visits to prison medical staff. On May 18, 2016, a South Bay nurse performed an electrocardiogram and informed Barcelona that “everything [was] normal.” On May 23, 2016, a South Bay doctor prescribed medications and vitamins. And on May 25, 2016, a South Bay doctor X-rayed Barcelona, though he never received the results of that test. The doctor who performed the X-ray told Barcelona that he should have been kept at Lakeside “for at least 9 days for a full recovery.” *redacted from medical report.*

Barcelona was eventually transferred from South Bay to another facility, allegedly because South Bay officials wanted to “avoid medical responsibility.”