Appendix C

1. Decision of the United States Court of Appeals
2. Order of the United States District Court

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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56 Forsyth Street, N.W.
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David J. Smith
Clerk of Court

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June 18, 2026

Clerk - Middle District of Florida
U.S. District Court
300 N HOGAN ST
JACKSONVILLE, FL 32202

Shaquon RaShawn Johnson
Charlotte CI - Inmate Legal Mail
33123 OIL WELL RD
PUNTA GORDA, FL 33955

Appeal Number: 25-14193-J
Case Style: Shaquon Johnson v. M. Collins, et al
District Court Docket No: 3:24-cv-00502-MMH-MCR

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

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Enclosure(s)

DIS-4 Multi-purpose dismissal letter

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-14193

SHAQUON RASHAWN JOHNSON,

Plaintiff-Appellant,

versus

M. COLLINS,
ARNP,
A. ACEVEDO,
M.D.,
T. C. HUGHES,
HSA,
E. GILLIAM,
Admin. Assistant,
M. HALL,
IISC, et al.,

Defendants-Appellees,

MICHELLE HALL,
IISC, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:24-cv-00502-MMH-MCR

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

Shaquon Johnson, a pro se Florida prisoner, has moved for leave to proceed ("LTP") on appeal from the district court's order dismissing his 42 U.S.C. § 1983 claim and denying a temporary restraining order. Johnson had alleged claims of deliberate indifference to a serious medical condition against several prison officials and medical staff. The district court found that Johnson had failed to state a claim under the Eighth Amendment because his allegations did not rise to the level of subjective recklessness required of a deliberate indifference claim.

The district court assessed the $605.00 appellate filing fee, as is required under the Prison Litigation Re-form Act of 1995, so the only remaining issue is whether Johnson's appeal would be frivolous. *See* 28 U.S.C. § 1915(e)(2)(B). An action "is frivolous if it is without arguable merit either in law or fact." *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001).

The Supreme Court has interpreted the Eighth Amendment to prohibit deliberate indifference to an inmate's serious medical needs. *Hoffer v. Sec'y, Fla. Dep't of Corr.*, 973 F.3d 1263, 1270 (11th Cir. 2020). To establish Eighth Amendment deliberate indifference, the plaintiff must show (1) an objectively serious deprivation and

(2) "subjective recklessness as used in the criminal law." *See Wade v. McDade*, 106 F.4th 1251, 1253 (11th Cir. 2024) (en banc) (quotation marks omitted).

To establish the subjective prong, the plaintiff must establish that the defendant actually knew that his actions, or lack thereof, put the plaintiff at risk of serious harm. *Id.* This Court has described the subjective recklessness used in criminal law to mean that the prison official was aware that his own conduct created a risk of harm to another in a "gross deviation from accepted standards." *See id.* at 1261 (quotation marks omitted). However, as an important caveat, a defendant who responded reasonably to a risk, whether known or not, will not be found liable under the Eighth Amendment. *Id.* at 1255.

Here, there are no non-frivolous arguments that Johnson can make to challenge the district court's denial of his deliberate indifference claim. In his complaint, Johnson listed the actions taken by medical staff, including providing him with medications and referring him to a specialist. These actions were a reasonable response to the risk created by Johnson's symptoms. He thus cannot show that the prison medical staff, who reasonably treated his symptoms, violated the Eighth Amendment.

To the extent that Johnson filed claims against staff who rejected his grievances, he does not have a constitutionally protected interest in access to the prison grievance system. *See Bingham v. Thomas*, 654 F.3d 1171, 1177 (11th Cir. 2011).

Johnson likewise cannot raise any non-frivolous arguments on appeal from the denial of his motion for a temporary restraining order and preliminary injunction because he did not establish that his case had a substantial likelihood of success on the merits. *See Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000). Accordingly, Johnson's motion for leave to proceed is DENIED, and the appeal is DISMISSED.

Case: 3:24-cv-00502-MMH-MCR

Shaquon RaShawn Johnson C07844
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Middle District of Florida

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**ORDER denying [18] Declaration in
Support of Plaintiff's Motion for a Temporary Restraining Order and
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to the Clerk. Signed by Judge Marcia Morales Howard on 10/17/2025. (CAW)**

3:24-cv-00502-MMH-MCR Notice has been electronically mailed to:

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SHAQUON RASHAWN JOHNSON,

Plaintiff,

v.

Case No. 3:24-cv-502-MMH-MCR

M. COLLINS, et al.,

Defendants.

ORDER OF DISMISSAL WTHOUT PREJUDICE

Plaintiff, Shaquon Rashawn Johnson, an inmate in the Florida penal system, initiated this action by filing a pro se Complaint for Violation of Civil Rights under 42 U.S.C. § 1983 (Complaint; Doc. 1).[1] The Court identified some deficiencies in Johnson's Complaint and ordered him to file an amended complaint if he wished to proceed with his claims. See Order (Doc. 10). Johnson now proceeds as a pauper on an Amended Complaint (Amended Complaint; Doc. 15) with attachments (Doc. 15-1). Also before the Court is Johnson's "Declaration in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction" (TRO; Doc. 18).

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[1] For all pleadings and documents filed in this case, the Court cites to the document and page numbers as assigned by the Court's Electronic Case Filing System.

In the Amended Complaint, Johnson names six Defendants: (1) M. Collins, APRN; (2) A. Acevedo, MD; (3) T.C. Hughes; (4) E. Gilliam; (5) M. Hall; and (6) C. Weiss. Amended Complaint at 2–3; Doc. 15-1 at 1–2. Johnson alleges that, since 2019, he has been suffering from abdominal discomfort after eating, but the condition progressed in 2020. Doc. 15-1 at 4. Johnson's allegations suggest that the pain was not constant, but waned at times and other times would be so intense, he would vomit, miss meals, have trouble walking, and curl into a fetal position for comfort. Id. at 5, 8, 9, 10, 12, 17. Johnson alleges that between 2023 and 2024, Defendants Collins and Acevedo acted with deliberate indifference by failing to render appropriate care for his abdominal pain by treating him with ineffective medication and refusing to approve a medically prescribed liquid diet. Doc. 15-1 at 6–7, 9, 10, 11–12, 13–14, 15, 17. Johnson also alleges during the same period, Defendants Acevedo, Hughes, Gilliam, Hall, and Weiss acted with deliberate indifference by denying his grievances made regarding the lack of adequate medical care and thus failed to ensure he received adequate treatment. Id. at 6–18. Prior to 2023, Johnson admits he received medication for his abdominal pain that helped his symptoms for a period, and that an x-ray had been taken showing excess gas, to which medical staff responded by providing a medication to relieve that gas. Id. at 4, 5. From 2023 to 2024, he further admits he received a variety of medications, diagnostic testing, and referrals to a specialist. See generally id.

The Prison Litigation Reform Act (PLRA) requires the Court to dismiss this case at any time if the Court determines that the action is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(B); 1915A. "A claim is frivolous if it is without arguable merit either in law or fact." Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001) (citing Battle v. Cent. State Hosp., 898 F.2d 126, 129 (11th Cir. 1990)). A complaint filed in forma pauperis which fails to state a claim under Federal Rule of Civil Procedure 12(b)(6) is not automatically frivolous. Neitzke v. Williams, 490 U.S. 319, 328 (1989). Section 1915(e)(2)(B)(i) dismissals should only be ordered when the legal theories are "indisputably meritless," id. at 327, or when the claims rely on factual allegations which are "clearly baseless." Denton v. Hernandez, 504 U.S. 25, 32 (1992). "Frivolous claims include claims 'describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar.'" Bilal, 251 F.3d at 1349 (quoting Neitzke, 490 U.S. at 328). Additionally, a claim may be dismissed as frivolous when it appears that a plaintiff has little or no chance of success. Id. As to whether a complaint "fails to state a claim on which relief may be granted," the language of the PLRA mirrors the language of Rule 12(b)(6), Federal Rules of Civil Procedure,

and therefore courts apply the same standard in both contexts.[2] Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997); see also Alba v. Montford, 517 F.3d 1249, 1252 (11th Cir. 2008).

To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that (1) the defendant deprived him of a right secured under the United States Constitution or federal law; and (2) such deprivation occurred under color of state law. Salvato v. Miley, 790 F.3d 1286, 1295 (11th Cir. 2015); Bingham v. Thomas, 654 F.3d 1171, 1175 (11th Cir. 2011) (per curiam); Richardson v. Johnson, 598 F.3d 734, 737 (11th Cir. 2010) (per curiam). Moreover, under Eleventh Circuit precedent, to prevail in a § 1983 action, a plaintiff must show "an affirmative causal connection between the official's acts or omissions and the alleged constitutional deprivation." Zatler v. Wainwright, 802 F.2d 397, 401 (11th Cir. 1986) (citation omitted); Porter v. White, 483 F.3d 1294, 1306 n.10 (11th Cir. 2007).

Under the Federal Rules of Civil Procedure, a complaint need only contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. (8)(a)(2). In addition, all reasonable inferences should be drawn in favor of the plaintiff. See Randall v. Scott, 610 F.3d 701,

[2] "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)).

705 (11th Cir. 2010). Nonetheless, the plaintiff still must meet some minimal pleading requirements. Jackson v. BellSouth Telecomms., 372 F.3d 1250, 1262–63 (11th Cir. 2004). Indeed, while "[s]pecific facts are not necessary[,]" the complaint should "'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" Erickson v. Pardus, 551 U.S. 89, 93 (2007) (per curiam) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Further, the plaintiff must allege "enough facts to state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570. "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." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). While not required to include detailed factual allegations, a complaint must allege "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." Id.

A "plaintiff's obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do[.]" Twombly, 550 U.S. at 555 (internal quotations omitted); see also Jackson, 372 F.3d at 1262 (explaining that "conclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal" (original alteration omitted)). Indeed, "the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions[,]"

which simply "are not entitled to [an] assumption of truth." Iqbal, 556 U.S. at 678, 680. In the absence of well-pled facts suggesting a federal constitutional deprivation or violation of a federal right, a plaintiff cannot sustain a cause of action against the defendant.

In assessing the Amended Complaint, the Court must read Johnson's pro se allegations in a liberal fashion. Haines v. Kerner, 404 U.S. 519 (1972). And, while "[p]ro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed," Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998), "'this leniency does not give the court a license to serve as de facto counsel for a party or to rewrite an otherwise deficient pleading in order to sustain an action.'" Campbell v. Air Jamaica Ltd., 760 F.3d 1165, 1168–69 (11th Cir. 2014) (quoting GJR Invs., Inc. v. Cnty. of Escambia, 132 F.3d 1359, 1369 (11th Cir. 1998) (citations omitted), overruled in part on other grounds as recognized in Randall, 610 F.3d at 709).

Liberally read, Johnson's Amended Complaint fails to state a plausible § 1983 claim for deliberate indifference. The Eighth Amendment "imposes duties on [prison] officials, who must provide humane conditions of confinement; prison officials must ensure that inmates receive adequate food, clothing, shelter, and medical care, and must 'take reasonable measures to guarantee the safety of the inmates.'" Farmer v. Brennan, 511 U.S. 825, 832 (1994) (quoting Hudson v. Palmer, 468 U.S. 517, 526–27 (1984)). To establish

an Eighth Amendment violation, a prisoner must satisfy both an objective and subjective inquiry regarding a prison official's conduct. Swain v. Junior, 961 F.3d 1276, 1285 (11th Cir. 2020) (citing Farmer, 511 U.S. at 834). As it relates to medical care, "the Supreme Court has held that prison officials violate the bar on cruel and unusual punishments when they display 'deliberate indifference to serious medical needs of prisoners.'" Keohane v. Fla. Dep't of Corr. Sec'y, 952 F.3d 1257, 1265 (11th Cir. 2020) (quoting Estelle v. Gamble, 429 U.S. 97, 104 (1976)). Specifically, the Eleventh Circuit has instructed that to establish liability on an Eighth Amendment deliberate indifference claim, the plaintiff must show:

> First . . . as a threshold matter, that he suffered a deprivation that was, "objectively, 'sufficiently serious.'" [Farmer, 511 U.S. at 834].
>
> Second, . . . that the defendant acted with "subjective recklessness as used in the criminal law," id. at 839, and to do so he must show that the defendant was actually, subjectively aware that his own conduct caused a substantial risk of serious harm to the plaintiff—with the caveat, again, that even if the defendant "actually knew of a substantial risk to inmate health or safety," he "cannot be found liable under the Cruel and Unusual Punishments Clause" if he "responded reasonably to the risk." Id. at 844-45.

Wade v. McDade, 106 F.4th 1251, 1261 (11th Cir. 2024) (enumeration and emphasis omitted);[3] see Stalley v. Cumbie, 124 F.4th 1273, 1283 (11th Cir. 2024) (recognizing that to prevail on a deliberate indifference claim, a plaintiff must show that he suffered "an objectively serious medical need," and that the defendant acted with deliberate indifference to that need, meaning that the defendant "(1) had subjective knowledge of a risk of serious harm, (2) disregarded that risk, and (3) engaged in conduct that amounts to subjective recklessness" (internal quotations and citations omitted)).

"As applied in the prison context, the deliberate-indifference standard sets an appropriately high bar." Swain, 961 F.3d at 1285. Importantly, medical treatment gives rise to a constitutional violation "only when it is so grossly incompetent, inadequate, or excessive as to shock the conscience or to be intolerable to fundamental fairness." Hoffer v. Sec'y, Fla. Dep't of Corr., 973 F.3d 1263, 1271 (11th Cir. 2020) (quotations omitted). Indeed, the law is well settled that the Constitution is not implicated by the negligent acts of

[3] For decades, the Eleventh Circuit has described a "more than mere negligence" or "more than gross negligence" standard in determining whether an official acted with deliberate indifference to an inmate's serious medical need. Wade, 106 F.4th at 1255. In Wade, the Eleventh Circuit determined that those standards conflicted with the Supreme Court's decision in Farmer and clarified that courts in this circuit should apply the "subjective recklessness" standard "as used in the criminal law." Id. at 1253. The Court notes that the Honorable Adalberto Jordan wrote a concurrence to the majority's opinion in Wade, finding that to the extent prior Eleventh Circuit deliberate indifference cases are not inconsistent with Wade, "they should continue to be cited as binding precedent." Id. at 1265 (Jordan, J., concurring).

corrections officials and medical personnel. Daniels v. Williams, 474 U.S. 327, 330-31 (1986); Davidson v. Cannon, 474 U.S. 344, 348 (1986) ("As we held in Daniels, the protections of the Due Process Clause, whether procedural or substantive, are just not triggered by lack of due care by prison officials."). Thus, a complaint that a medical provider has been negligent "in diagnosing or treating a medical condition does not state a valid claim of medical mistreatment under the Eighth Amendment." Bingham v. Thomas, 654 F.3d 1171, 1176 (11th Cir. 2011) (quotations and citation omitted). Further, "a simple difference in medical opinion between the prison's medical staff and the inmate as to the latter's diagnosis or course of treatment [fails to] support a claim of cruel and unusual punishment." Hoffer, 973 F.3d at 1273 (citation omitted).

Johnson fails to allege sufficient factual allegations to state a plausible deliberate indifference claim. To the extent he contends Defendants Collins and Acevedo were deliberately indifferent in their treatment of his ailment, his allegations do not rise to "subjective recklessness." Johnson's allegations demonstrate medical was evaluating him with different diagnostic tests (e.g., x-rays, EGD, and laboratory tests), treating him with different medications (e.g. Milk of Magnesia, simethicone, Protonix, antacids, Pepto-Bismol, etc.), and referred him to a gastroenterologist to help diagnose his underlying condition. The allegations that Defendants prescribed ineffective treatment

suggests at most negligent treatment of his condition which fails to support an Eighth Amendment violation. His allegations that they refused to prescribe a liquid diet for Johnson due to concerns of great weight loss is a mere difference in opinion and similarly fails to support a deliberate indifference claim. Thus, Johnson fails to state a plausible Eighth Amendment deliberate indifference claim as to Defendants Collins and Acevedo's treatment.

Johnson also fails to state a claim upon which relief can be granted based on Defendants Acevedo, Hughes, Gilliam, Hall, and Weiss denying his grievances. Generally, not addressing a grievance or letter in the manner a prisoner would like, without more, does not render an individual liable for the underlying constitutional violation. See Jones v. Eckloff, No. 2:12-cv-375-FtM-29DNF, 2013 WL 6231181, at *4 (M.D. Fla. Dec. 2, 2013) (unpublished) ("[F]iling a grievance with a supervisory person does not automatically make the supervisor liable for the allegedly unconstitutional conduct brought to light by the grievance, even when the grievance is denied." (collecting cases)). And inmates have "no constitutionally protected liberty interest in access to the prison's grievance procedure." Moore v. McLaughlin, 569 F. App'x 656, 659

(11th Cir. 2014)[4] (citing Bingham, 654 F.3d at 1177; Grayden v. Rhodes, 345 F.3d 1225, 1232 (11th Cir. 2003)); see Charriez v. Sec'y, Fla. Dep't of Corr., 596 F. App'x 890, 895 (11th Cir. 2015) (finding the district court did not err in dismissing the plaintiff's claim that the defendants "had violated his constitutional due-process rights by failing to take corrective action during the appeal of the suspension of his visitation privileges[b]ecause the prison grievance procedure does not create a protected liberty interest"); Mathews v. Moss, 506 F. App'x 981, 984 (11th Cir. 2013) (finding the plaintiff failed to state a claim because he merely "alleged that his prison grievances were either ignored or wrongly decided or that prison officials did not properly follow the prison's own grievance procedures").

While the Eleventh Circuit has recognized circumstances in which a defendant's failure to respond to an inmate's grievance amounts to a constitutional violation, see Goebert v. Lee Cnty., 510 F.3d 1312, 1327–29

[4] The Court does not rely on unpublished opinions as binding precedent; however, they may be cited in this Order when the Court finds them persuasive on a particular point. See McNamara v. Gov't Emps. Ins. Co., 30 F.4th 1055, 1060–61 (11th Cir. 2022); see generally Fed. R. App. P. 32.1; 11th Cir. R. 36-2 ("Unpublished opinions are not considered binding precedent, but they may be cited as persuasive authority.").

(11th Cir. 2007),[5] Johnson fails to state such a claim. Johnson does not detail the substance of his grievances to establish the respective Defendant had subjective knowledge of a risk of serious harm. Moreover, unlike Goebert, where the defendant disregarded his duty to investigate the inmate's time-sensitive ongoing medical complaints, Johnson's own assertions regarding the responses to his grievances show prison officials investigated and thoughtfully responded to his complaints, rather than merely disregarding them. Thus, Johnson's allegations fail to state a claim, and his Amended Complaint is subject to dismissal without prejudice.

As Johnson's Amended Complaint is due to be dismissed, his TRO is also due to be denied. The Court notes Johnson failed to submit a proper motion as required by the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 7 ("A request for a court order must be made by motion."). However, his request also fails on the merits. To demonstrate entitlement to injunctive relief, a movant must satisfy four elements, including "a substantial likelihood of success on the merits." Norwegian Cruise Line Holdings Ltd. v. State Surgeon Gen., Fla.

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[5] In Goebert, a pregnant pretrial detainee submitted a medical complaint form, wherein she requested to see an obstetrician or a doctor outside of the county jail. 510 F.3d at 1318. The plaintiff indicated in her complaint that she had leaked amniotic fluid for approximately nine days, she had not felt any movements from her baby, and she had a history of miscarriages. Id. The defendant, a facility commander, responded that medical could arrange an appointment at her expense, despite plaintiff noting in her complaint that medical staff had "ignored her daily requests for aid and had already failed to set up an appointment for her with an outside obstetrician." Id. at 1328.

Dep't of Health, 50 F.4th 1126, 1134–35 (11th Cir. 2022); Keister v. Bell, 879 F.3d 1282, 1287–88 (11th Cir. 2018). Because Johnson fails to state a plausible claim for relief against Defendants, he is unable to demonstrate a likelihood of success on the merits of his purported claims. Thus, Johnson's TRO is due to be denied.

Accordingly, it is

ORDERED AND ADJUDGED:

1. Johnson's "Declaration in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction" (Doc. 18) is **DENIED**.

2. This case is **DISMISSED without prejudice.**

3. The **Clerk** shall enter judgment dismissing this case without prejudice, terminate any pending motions, and close the file.

DONE AND ORDERED at Jacksonville, Florida, this 17th day of October, 2025.

Marcia Morales Howard
MARCIA MORALES HOWARD
United States District Judge

JaxP-12

C: Shaquon RaShawn Johnson, #C07844