

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Derrick L. Florence v. Department of Corrections, et al.

Florence · No. 2:24-cv-215-RAH-CWB · Decided April 28, 2026

SUMMARY

The United States District Court for the Middle District of Alabama dismissed Derrick L. Florence’s amended § 1983 complaint without prejudice. The court concluded that the complaint failed to establish subject-matter jurisdiction, failed to state a plausible claim, and was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B).

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	April 28, 2026
DOCKET	2:24-cv-215-RAH-CWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff proceeding in forma pauperis filed an amended complaint under 42 U.S.C. § 1983. The district court conducted the mandatory frivolity and jurisdictional review and dismissed the amended complaint without prejudice.
STANDARD OF REVIEW	The court conducted sua sponte review under 28 U.S.C. § 1915(e)(2) (B), including review for frivolousness, subject matter jurisdiction, and failure to state a claim. Pro se pleadings were liberally construed, but the plaintiff still had to comply with the Federal Rules of Civil Procedure and plead a plausible claim.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential
PARTIES	Derrick L. Florence v. Department of Corrections, et al.

TOPICS

- subject matter jurisdiction
- pleadings
- section 1983
- civil procedure
- defamation

PRACTICE AREAS

civil procedure

civil rights

defamation

QUESTIONS PRESENTED

1. Whether the court had subject matter jurisdiction over the amended complaint.
2. Whether the amended complaint stated a plausible claim for relief under 42 U.S.C. § 1983 or otherwise stated a claim upon which relief could be granted.
3. Whether dismissal was required under 28 U.S.C. § 1915(e)(2)(B).

HOLDINGS

1. The amended complaint failed to establish federal subject matter jurisdiction because it did not allege a basis for diversity jurisdiction or a cognizable federal question.
2. The amended complaint failed to state a plausible claim upon which relief could be granted because its allegations were vague, conclusory, and unsupported by sufficient factual allegations.
3. Because the action lacked arguable merit and failed to establish jurisdiction and a plausible claim, dismissal was required under 28 U.S.C. § 1915(e)(2)(B).

KEY QUOTATIONS

“A claim is frivolous under § 1915(e)(2)(B)(i) “if it is ‘without arguable merit either in law or fact.’””

“Pro se pleadings are held to a less stringent standard than those drafted by an attorney and should be liberally construed by courts.”

“However, the leniency afforded pro se litigants does not allow the Court to “act as de facto counsel or rewrite an otherwise deficient pleading to sustain an action.””

““[W]hen a federal court concludes that it lacks subject-matter jurisdiction, the court must dismiss the complaint in its entirety.””

““Indeed, it is well settled that a federal court is obligated to inquire into subject matter jurisdiction sua sponte whenever it may be lacking.””

“Rule 8 “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.””

FACTUAL BACKGROUND

Florence alleged that the defendants had criminalized or defamed his name by associating him with contraband and prostitution activity. Although he cited 42 U.S.C. § 1983, the court concluded that the allegations appeared to sound in state-law defamation and did not identify a sufficient federal cause of action, diversity basis, or supporting facts.

PROCEDURAL HISTORY

Florence filed the action on April 5, 2024, and later applied to proceed without prepaying fees or costs. After granting in forma pauperis status, the court ordered him to file an amended complaint. The court reviewed the amended complaint and dismissed it without prejudice for lack of subject matter jurisdiction and failure to state a plausible claim.

DISPOSITION

dismissed

CASES CITED

- Jackson v. Farmers Ins. Group/Fire Ins. Exchange, 391 F. App'x 854, 856 (11th Cir. 2010)
- Napier v. Preslicka, 314 F.3d 528, 531 (11th Cir. 2002)
- Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001)
- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Bilal v. Geo Care, LLC, 981 F.3d 903, 911 (11th Cir. 2020)
- Hopkins v. Saint Lucie Cnty. Sch. Bd., 399 F. App'x 563, 565 (11th Cir. 2010)
- McNeil v. United States, 508 U.S. 106, 113 (1993)
- Mitchell v. Brown & Williamson Tobacco Corp., 294 F.3d 1309, 1314-16 (11th Cir. 2002)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)
- Univ. of S. Ala. v. Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999)
- Hensley v. Hartford Cas. Ins. Co., 113 F.4th 1327, 1332 (11th Cir. 2024)
- Butler v. Morgan, 562 F. App'x 832, 834 (11th Cir. 2014)
- Smith v. GTE Corp., 236 F.3d 1292, 1310 (11th Cir. 2001)
- U.S. Steel Corp. v. Astrue, 495 F.3d 1272, 1287 n.13 (11th Cir. 2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557 (2007)
- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1306 n.1 (11th Cir. 2004)
- Holliday v. Sec'y, Fla. Dep't of Corr., No. 21-13888, 2022 WL 4127617, at *1 n.1 (11th Cir. Sept. 12, 2022)
- Brown v. Johnson, 387 F.3d 1344, 1347 (11th Cir. 2004)

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