

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, JACKSONVILLE DIVISION**

Dravian Dravius Darvin Byrd v. Department of Corrections

Byrd v. Department of Corrections · No. 3:25-cv-1416-JEP-PDB · Decided November 21, 2025

OPINION

Byrd

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

DRAVIAN DRAVIUS DARVIN BYRD,

Plaintiff, v. Case No. 3:25-cv-1416-JEP-PDB

DEPARTMENT OF CORRECTIONS,

Defendant. _____

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, an inmate of the Florida Department of Corrections (FDC), initiated this action in the Northern District by filing a pro se Complaint for the Violation of Civil Rights under 42 U.S.C. § 1983 (Doc. 1), along with a request to proceed as a pauper (Doc. 2). Because Plaintiff complains about an incident that occurred at the Reception and Medical Center in Lake Butler, Florida, the Northern District transferred the case here. See Doc. 4. In his Complaint, Plaintiff alleges a corrections officer ignored him when he expressed he was having suicidal thoughts, struck him in the stomach and face, and threatened him. See Doc. 1 at 5–6. Plaintiff does not name the corrections officer as a Defendant, however. See *id.* at 1–2. Rather, he names only the FDC. *Id.* As relief, he seeks damages. *Id.* at 7. The Prison Litigation Reform Act (PLRA) requires a district court to dismiss a complaint if the court determines it is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b)(1). Since the PLRA’s “failure-to-state-a-claim” language mirrors the language of Rule 12(b)(6) of the Federal Rules of Civil Procedure, courts apply the same standard in both contexts. *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 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)). “Labels and conclusions” or “a formulaic recitation of the elements of a cause of action” that amount to “naked assertions” will not suffice. *Id.* (quoting *Twombly*, 550 U.S. at 555). Moreover, a complaint must “contain either direct or inferential allegations respecting all the material elements necessary to

sustain a recovery under some viable legal theory.” *Roe v. Aware Woman Ctr. for Choice, Inc.*, 253 F.3d 678, 683 (11th Cir. 2001) (quoting *In re Plywood Antitrust Litig.*, 655 F.2d 627, 641 (5th Cir. Unit A Sept. 8, 1981)). In reviewing a complaint, a court must accept the plaintiff’s 2 allegations as true, liberally construing those by a plaintiff proceeding pro se, but need not accept as true legal conclusions. *Iqbal*, 556 U.S. at 678. Plaintiff’s Complaint is subject to dismissal under the PLRA because he fails to “state a claim to relief that is plausible on its face.” See *id.* To state a claim under § 1983, a plaintiff must allege that a “person” acting under the color of state law deprived him of a right secured under the United States Constitution or federal law. The state of Florida, including a state agency such as the FDC, is not a person subject to monetary liability under § 1983. *Gardner v. Riska*, 444 F. App’x 353, 355 (11th Cir. 2011).¹ See also *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989) (holding an official-capacity suit is essentially a suit against the state, which is not a “person[] under § 1983”). Because a claim for damages against the FDC is “frivolous,” see *Gardner*, 444 F. App’x at 355, this case will be dismissed without prejudice subject to Plaintiff’s right to initiate a new case if he wants to proceed on any plausible claim(s) against a “person.” Accordingly, it is ORDERED:

1. This case is DISMISSED without prejudice.

1 The Court does not rely on unpublished decisions as binding authority; any unpublished decisions cited in this Order are deemed persuasive authority on the relevant point of law. See *McNamara v. GEICO*, 30 F.4th 1055, 1061 (11th Cir. 2022). 3

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

3. The Clerk shall send Plaintiff a “Complaint for Violation of Civil Rights (Prisoner)” form. If Plaintiff chooses to initiate a new case by filing a new complaint, he should not put this case number on the form because the Clerk will assign a new case number upon receipt. DONE AND ORDERED in Jacksonville, Florida, on November 21, 2025.

JORDAN E. PRATT

UNITED STATES DISTRICT JUDGE

Jax-6 C: Dravian Dravius Darvin Byrd, #K94094