

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, TALLAHASSEE DIVISION

William Carter, Jr. v. Sgt. McKenzie

Carter v. McKenzie · No. 4:25cv95-MCR-MAF · Decided January 5, 2026

SUMMARY

The United States District Court for the Northern District of Florida partially adopts and partially rejects a Magistrate Judge’s Report and Recommendation concerning Plaintiff William Carter Jr.’s motion to amend his civil rights complaint. The Court permits amendment to reassert an individual-capacity § 1983 claim against Sgt. McKenzie and add ADA and Rehabilitation Act claims against the Florida Department of Corrections, while denying leave to add the other proposed claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Tallahassee Division
WRITING FOR THE COURT	M. Casey Rodgers
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	January 5, 2026
DOCKET	4:25cv95-MCR-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Order reviewing a Magistrate Judge's Report and Recommendation on Plaintiff's motion for leave to file a second amended complaint. After conducting de novo review of timely objections, the District Court adopted the recommendation in part and rejected it in part.
STANDARD OF REVIEW	De novo review of timely objections to a Magistrate Judge's Report and Recommendation under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	William Carter, Jr. v. Sgt. McKenzie

TOPICS

- motion to amend
- ada / disability
- reasonable accommodation
- prisoners rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's proposed ADA and Rehabilitation Act claims against the Department of Corrections were futile at the pleading stage.
2. Whether Plaintiff could amend to add an official-capacity claim against Sgt. McKenzie.
3. Whether Plaintiff could amend to add an Eighth Amendment claim against Centurion.
4. Whether Plaintiff should receive leave to file a second amended complaint.

HOLDINGS

1. When liberally construed, Plaintiff's allegations that he was denied participation in services and a meaningful accommodation because of his disability were sufficient to prevent the proposed ADA and Rehabilitation Act claims from being deemed futile at the amendment stage.
2. Leave to amend was properly denied as to the proposed official-capacity claim against Sgt. McKenzie because that claim was treated as a claim against the Department of Corrections itself.
3. Leave to amend was properly denied as to the proposed Eighth Amendment claim against Centurion because the allegations were conclusory and failed to state a claim.

KEY QUOTATIONS

“When construed liberally, the Court cannot conclude that this amendment would be futile.” (at 2)

“Plaintiff should be allowed an opportunity to amend his pleading to add ADA and Rehabilitation Act claims against the DOC for the alleged denial of participation in services and a meaningful accommodation.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that Sgt. McKenzie failed to protect him from an attack by other inmates and asserted an individual-capacity civil-rights claim under 42 U.S.C. § 1983. He sought to amend to add ADA and Rehabilitation Act claims against the Department of Corrections, an official-capacity claim against McKenzie, and an Eighth Amendment claim against Centurion. Plaintiff alleged that, despite receiving a cane, he remained assigned to a top bunk and lacked mobility and meaningful access to work assignments, the prison yard, and medical services because of his disability.

PROCEDURAL HISTORY

The Magistrate Judge recommended denying Plaintiff's motion for leave to amend as futile. The District Court reviewed the timely objections de novo, concluded that the proposed ADA and Rehabilitation Act claims were not clearly futile when liberally construed, and granted leave to amend those claims while denying leave in all other respects.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was directed to remand the case to the Magistrate Judge for further proceedings. Plaintiff was required to file an amended complaint consistent with the Order on or before January 26, 2026.

CASES CITED

- Kinard v. Fla. Dep't of Corr., No. 24-10359, 2024 WL 4785003, at *6 (11th Cir. Nov. 14, 2024)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION WILLIAM CARTER, JR, Plaintiff, v. Case No.: 4:25cv95-MCR-MAF SGT. MCKENZIE, Defendant. _____/ ORDER The Magistrate Judge issued a Report and Recommendation (“R&R”) on June 6, 2025. See ECF No. 17.

The Court furnished the Plaintiff a copy and afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of all timely filed objections. ECF No. 23.

Having considered the R&R and Plaintiff’s timely filed objections, the Court adopts the recommendation in part and rejects it in part. The operative complaint, ECF No. 5, asserts a civil rights violation against Sgt. McKenzie in the officer’s individual capacity, alleging the failure to protect Plaintiff from an attack by other inmates. See 42 U.S.C. § 1983.

Plaintiff seeks leave to amend his 42 U.S.C. § 1983 complaint to add claims against the Department of Corrections (“DOC”) under the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act and an Eighth Amendment claim against Centurion.

The proposed amendment also seeks to add McKenzie’s official capacity. The Magistrate Judge concluded that an official capacity claim against McKenzie is barred because it is nothing more than a claim against the DOC itself; that the ADA and Rehabilitation Act claims are futile because the allegations are conclusory and show merely an attempt to “backdoor and Eighth Amendment medical claim against DOC under the guise” of these disability discrimination statutes; and that the Eighth Amendment claim against Centurion is conclusory and fails to state a claim.

Therefore, the R&R recommends denying the motion for leave to amend as futile. The Court disagrees in part. Plaintiff argues that he is not bringing a medical malpractice claim as suggested by the Magistrate Judge but instead asserts the denial of services by reason of his disability, adding that he has received a cane “but is still placed in a top bunk” and lacks mobility and meaningful access to his work assignments, prison yard, and medical services because of his disability.

ECF No. 23 at 3–4. When construed liberally, the Court cannot conclude that this amendment would be futile. See generally, *Kinard v. Fla. Dep’ of Corr.*, No. 24-10359, 2024 WL 4785003, at *6 (11th Cir. Nov. 14, 2024) (liberally construing allegations that due to an inmate’s injured foot and the lack of any accommodation, the prisoner was unable “to participate in recreational activities in the prison yard” as plausibly alleging an ADA and Rehabilitation Act claim).

Plaintiff should be allowed an opportunity to amend 2 his pleading to add ADA and Rehabilitation Act claims against the DOC for the alleged denial of participation in services and a meaningful accommodation. In all other respects, the Court adopts the R&R.

Accordingly: 1. The Magistrate Judge’s Report and Recommendation, ECF No. 17, is adopted in part and rejected in part, consistent with this Order. 2. The motion to file a second amended complaint (ECF No. 16) is GRANTED in part and DENIED in part: Plaintiff may file an amended complaint that reasserts the § 1983 individual capacity claim stated in ECF No. 5 against Sgt.

McKenzie and adds a claim against the DOC for the denial of services/denial of accommodation under the ADA and Rehabilitation Act. In all other respects, leave to amend is DENIED. 3. Plaintiff’s amended complaint, consistent with this Order, must be filed on or before January 26, 2026. 4.

The Clerk of Court is directed to remand this case to the Magistrate Judge for further proceedings. DONE AND ORDERED this 5th day of January 2026. M. Casey Rodgers M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE 3