

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MICHAEL JEROME WHITE,	:	
	:	
Plaintiff,	:	
	:	Case No. 7:25-cv-48-WLS-ALS
v.	:	
	:	
WARDEN JOSHUA JONES, <i>et al.</i>,	:	
	:	
Defendants.	:	
	:	

REPORT & RECOMMENDATION

Plaintiff, Michael Jerome White, an inmate currently housed in the Ware State Prison in Waycross, Georgia, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983 (ECF No. 1). For the following reasons, it is **RECOMMENDED** that Plaintiff’s claims arising from his treatment at Valdosta State Prison (“VSP”) are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915A. It is further **RECOMMENDED** that Plaintiff’s remaining claims against Defendants Jones, McCastler, Rollin, and McGee, all of which arise from Plaintiff’s treatment at Hays State Prison (“HSP”), be **TRANSFERRED** to the Northern District of Georgia along with Plaintiff’s pending motion to proceed *in forma pauperis* (ECF No. 2).

PRELIMINARY REVIEW OF PLAINTIFF’S COMPLAINT

I. Standard of Review

The Prison Litigation Reform Act (“PLRA”) directs courts to conduct a preliminary screening of every complaint filed by a prisoner who seeks redress from a government

entity, official, or employee. 28 U.S.C. § 1915A(a). “*Pro se* filings are generally held to a less stringent standard than those drafted by attorneys and are liberally construed.” *Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020) (citation omitted). Still, the Court must dismiss a prisoner complaint if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).

A claim is frivolous if it “lacks an arguable basis either in law or in fact.” *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008) (citations omitted). On preliminary review, the Court may dismiss claims that are based on “indisputably meritless legal” theories and “claims whose factual contentions are clearly baseless.” *Id.* (citations omitted). A claim can be dismissed as malicious if it is knowingly duplicative or otherwise amounts to an abuse of the judicial process. *Daker v. Ward*, 999 F.3d 1300, 1308, 1310 (11th Cir. 2021) (affirming dismissal of duplicative complaint “in light of [prisoner’s] history as a prolific serial filer”).

A complaint fails to state a claim if it does not include “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) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “Factual allegations [in a complaint] must be enough to raise a right to relief above the speculative level[.]” *Twombly*, 550 U.S. at 555 (citations omitted). In other words, the complaint must allege enough facts “to raise a reasonable expectation that discovery will reveal evidence” supporting a claim. *Id.* at 556. “Threadbare recitals of the elements of a

cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555).

To state a claim for relief under § 1983, a plaintiff must allege that (1) an act or omission deprived him of a right, privilege, or immunity secured by the Constitution or a statute of the United States; and (2) the act or omission was committed by a person acting under color of state law. *Hale v. Tallapoosa Cnty.*, 50 F.3d 1579, 1582 (11th Cir. 1995). If a litigant cannot satisfy these requirements or fails to provide factual allegations in support of his claim or claims, the complaint is subject to dismissal. *See, e.g., Bingham v. Thomas*, 654 F.3d 1171, 1176-77 (11th Cir. 2011) (affirming dismissal of certain claims at preliminary screening because prisoner failed to allege sufficient facts to show a violation of his rights), *abrogated on other grounds by Wade v. McDade*, 106 F.4th 1251, 1255 (11th Cir. 2024) (en banc).

II. Factual Allegations

Plaintiff’s claims primarily arise from his treatment at the Hays State Prison (“HSP”) in Trion, Georgia, between September 2023 and November 2023, and all of the named Defendants are HSP officials. ECF No. 1 at 1-3, 5. Plaintiff’s allegations are somewhat hard to follow, but it appears Plaintiff was first involved in a motor vehicle accident on September 28, 2023 when the “security chase state truck” rear-ended the transfer van that was transporting Plaintiff to HSP. *Id.* at 4, 5. Plaintiff also suggests he did not receive proper medical care after the September 28, 2023 car accident. *Id.* at 5. In addition, Plaintiff was attacked by another inmate at HSP who struck Plaintiff on the side of his head with an unknown object. *Id.* at 4. As a result, Plaintiff can no longer hear out

of his right ear or feel the right side of his head, and the vision out of his right eye is blurry. *Id.* at 4, 5. Plaintiff appears to contend that Defendants were responsible for this attack because they “fail[ed] to straighten out the issue and his name with that [security threat group] stuff so that they’ll leave [him] alone then transfer [him.]” *Id.* at 4. Plaintiff also contends he was given the “wrong insulin” at HSP between September 30, 2023 and October 13, 2023 “which could’ve eas[i]ly . . . killed [him].” *Id.*

At the time he filed his Complaint, Plaintiff was housed in the Valdosta State Prison (“VSP”). ECF No. 1 at 13. Plaintiff also contends he “had all kinda un-wanted experiences with this administration” at VSP, including “harassment and retaliation against [him].” ECF No. 1-1 at 1. Plaintiff, however, does not identify which individuals at VSP harassed him or retaliated against him, nor does he describe any specific acts of harassment or retaliation. *See id.* In sum, however, Plaintiff contends Defendants’ action and inaction at HSP and VSP violates his constitutional rights, and as a result he seeks injunctive relief as well as monetary damages. ECF No. 1 at 5.

III. Plaintiff’s Claims

As an initial matter, Plaintiff fails to state an actionable claim against any individual at VSP. As noted above, Plaintiff does not identify any VSP prison official that retaliated against him or violated his constitutional rights in any other way. Plaintiff’s claims arising from his incarceration at VSP should therefore be dismissed without prejudice. *Douglas v. Yates*, 535 F.3d 1316, 1321-22 (11th Cir. 2008) (dismissal of defendants appropriate where plaintiff failed to allege facts associating defendants with a particular constitutional violation).

If the claims arising from Plaintiff's incarceration at VSP are dismissed without prejudice, venue would no longer be proper in the Middle District of Georgia. HSP and the named Defendants—all of whom are HSP officials—are located in Chattooga County, which is in the Northern District of Georgia, and the events giving rise to Plaintiff's remaining claims took place there. *See* 28 U.S.C. § 1391(b)(1)-(2); *see also* 28 U.S.C. § 90(a)(3). A district court is authorized to “dismiss, or if it be in the interest of justice, transfer such case to any district . . . in which it could have been brought.” 28 U.S.C. § 1406(a). It is possible that some of Plaintiff's claims arising from his treatment at HSP could be barred by the statute of limitations if they are dismissed and Plaintiff is required to refile them. Thus, dismissal of these claims may effectively be with prejudice, which would not be in the interest of justice at this stage of the proceeding. *See Partee v. Att’y Gen., Ga.*, 451 F. App’x 856, 858 (11th Cir 2012) (per curiam) (“[A] significant factor in the interest-of-justice analysis is whether a denial of a transfer would effectively bar the plaintiff from relief in the proper court.”). Plaintiff's remaining claims against Defendants arising from his treatment at HSP and his pending motion to proceed *in forma pauperis* should therefore be transferred to the Northern District of Georgia rather than dismissed.

CONCLUSION

For the reasons discussed above, it is **RECOMMENDED** that Plaintiff's claims arising from his treatment at VSP be **DISMISSED without prejudice** for failure to state a claim. It is further **RECOMMENDED** that Plaintiff's remaining claims—i.e., those related to his treatment at HSP and pending against Defendants Jones, McCastler, Rollin, and McGee—be **TRANSFERRED** to the Rome Division of the Northern District of

Georgia. Plaintiff must comply with any directions from the United States District Court for the Northern District of Georgia relating to satisfying the filing fee and/or filing an amended complaint to limit his claims to those properly before that Court. This recommendation expresses no opinion as to whether Plaintiff should be permitted to proceed *in forma pauperis* or whether any of the HSP claims should survive preliminary review, as those are matters to be addressed by the Northern District in the first instance.

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to these recommendations with W. Louis Sands, Senior United States District Judge, **WITHIN FOURTEEN (14) DAYS** after being served with a copy of this Recommendation. The parties may seek an extension of time in which to file written objections, provided a request for an extension is filed prior to the deadline for filing written objections. Any objection is limited in length to **TWENTY (20) PAGES**. *See* M.D. Ga. L.R. 7.4. Failure to object in accordance with the provisions of § 636(b)(1) waives the right to challenge on appeal the district judge's order based on factual and legal conclusions to which no objection was timely made. *See* 11th Cir. R. 3-1.

SO RECOMMENDED, this 20th day of June, 2025.

s/ **ALFREDA L. SHEPPARD**
UNITED STATES MAGISTRATE JUDGE