

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:18-cv-20374-KMW**

Neal v. Wilson et al  
Assigned to: Judge Kathleen M. Williams  
Referred to: Magistrate Judge Lisette M. Reid  
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 01/30/2018  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Mike E. Neal**

represented by **Mike E. Neal**  
150133695  
Metro West Detention Center  
13850 NW 41 Street  
Miami, FL 33178  
PRO SE

V.

**Defendant**

**Lieutenant L. Wilson**  
*Metro West Detention Center*

represented by **Ana Angelica Viciano**  
Miami-Dade County Attorney's Office  
111 NW 1st Street  
Suite 2810  
Miami, FL 33128  
(305) 375-4948  
Email: anita@miamidade.gov  
**ATTORNEY TO BE NOTICED**

**Defendant**

**B. Celeide**

**Defendant**

**Counselor E. Cabarco**  
*Metro West Detention Center*

**Defendant**

**Counselor C. Jr. Tolliver**  
*Metro West Detention Center*

represented by **Ana Angelica Viciano**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Captain Jenny Bailey**  
*Turner Guilford Knight Correctional*  
**TERMINATED: 10/30/2018**

**Defendant**

**Captain A. Lawrence**  
*Metro West Detention Center*

represented by **Ana Angelica Viciano**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Lieutenant J. Mendez**  
*Turner Guilford Knight Correctional  
 Center*  
**TERMINATED: 10/30/2018**

**Defendant**

**Captain C. Bennet**  
*Turner Guilford Knight Correctional  
 Center*  
**TERMINATED: 10/30/2018**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/09/2019	54	Clerks Notice of Docket Correction. <b>Document 53 Restricted Due to Error.</b> (fbn) (Entered: 04/09/2019)
03/20/2019	52	PAPERLESS ORDER granting <a href="#">50</a> Motion for Extension of Time to Amend. Plaintiff's motion to amend is granted. The Court will proceed with screening the amended complaint shortly. Signed by Magistrate Judge Lisette M. Reid on 3/20/2019. (rm01) (Entered: 03/20/2019)
03/18/2019	<a href="#">51</a>	AMENDED COMPLAINT against E. Cabarco, B. Celeide, A. Lawrence, L. Wilson, filed by Mike E. Neal.(drz) (Entered: 03/18/2019)
03/18/2019	<a href="#">50</a>	MOTION for Extension of Time to Amend Complaint <a href="#">1</a> Complaint 42 USC 1983 or Bivens by Mike E. Neal. Responses due by 4/1/2019 (Attachments: # <a href="#">1</a> Amended Complaint)(drz) (Entered: 03/18/2019)
02/25/2019	49	PAPERLESS ORDER REFERRING CASE to Volunteer Attorney Program per DE# <a href="#">48</a> . Signed by Magistrate Judge Lisette M. Reid on 2/25/2019. (fbn) (Entered: 02/25/2019)
02/25/2019	<a href="#">48</a>	ORDER denying <a href="#">46</a> Motion to Appoint Counsel. This matter SHALL be referred to the Courts Volunteer Attorney Program, where a volunteer attorney may accept the representation on a pro bono basis if so desired. Signed by Magistrate Judge Lisette M. Reid on 2/25/2019. <i>See attached document for full details.</i> (fbn) (Entered: 02/25/2019)
02/22/2019		SYSTEM ENTRY - Docket Entry 47 [misc] restricted/sealed until further notice. (gp) (Entered: 02/22/2019)
02/22/2019	<a href="#">46</a>	EMERGENCY MOTION for Appointment of Counsel and( Responses due by 3/8/2019), Placement on Volunteer Attorney Program by Mike E. Neal. (drz) (Entered: 02/22/2019)
02/20/2019		SYSTEM ENTRY - Docket Entry 45 [misc] restricted/sealed until further notice. (nc) (Entered: 02/20/2019)

02/15/2019	44	PAPERLESS ORDER denying <a href="#">42</a> Motion to Amend/Correct. Plaintiff filed his motion to amend/correct (DE# <a href="#">42</a> ), wherein he again seeks to add additional claims to the instant action, on February 7, 2019. (DE# <a href="#">42</a> :1). On that same date, the Court issued a paperless order striking plaintiff's "Emergency Supplemental Complaint" (DE# <a href="#">23</a> ) for failure to comply with court orders. The order again instructed plaintiff that this Court will not engage in piecemeal litigation, and afforded plaintiff one final opportunity to file an amended complaint, which would constitute the only operative complaint in this case. Because it is unlikely that plaintiff received this Court's order before he filed his "Motion to Amend/Correct" (DE# <a href="#">42</a> ), since they were filed on the same date, plaintiff's motion to amend is denied without prejudice to him filing an amended complaint in compliance with the parameters outlined in DE# <a href="#">41</a> . Signed by Magistrate Judge Lisette M. Reid on 2/15/2019. (rm01) Modified on 2/15/2019 (fbn). (Entered: 02/15/2019)
02/15/2019	<a href="#">43</a>	ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Lisette M. Reid on 2/15/2019. <i>See attached document for full details.</i> (fbn) (Entered: 02/15/2019)
02/12/2019	<a href="#">42</a>	MOTION/REQUEST to Amend/Correct <a href="#">1</a> Complaint 42 USC 1983 or Bivens by Mike E. Neal. Responses due by 2/26/2019 (lk) (Entered: 02/12/2019)
02/07/2019	<a href="#">41</a>	ORDER STRIKING PLAINTIFF'S "EMERGENCY SUPPLEMENTAL COMPLAINT WITH AN [SIC] PRELIMINARY INJUNCTION AND A TEMPORARY RESTRAINING ORDER" DE# <a href="#">23</a> AND ORDER TO AMEND COMPLAINT. Within thirty (30) days from the date of this order, on or before March 8, 2019, Plaintiff shall file a final amended complaint in this case not to exceed 20 pages ( Amended Complaint due by 3/8/2019.) Signed by Magistrate Judge Lisette M. Reid on 2/7/2019. <i>See attached document for full details.</i> (fbn) (Additional attachment(s) added on 2/13/2019: # <a href="#">1</a> 1983 Complaint Form) (fbn). (Entered: 02/07/2019)
02/04/2019		SYSTEM ENTRY - Docket Entry 40 [misc] restricted/sealed until further notice. (nc) (Entered: 02/04/2019)
02/04/2019		SYSTEM ENTRY - Docket Entry 39 [misc] restricted/sealed until further notice. (nc) (Entered: 02/04/2019)
02/04/2019		SYSTEM ENTRY - Docket Entry 38 [order] restricted/sealed until further notice. (nc) (Entered: 02/04/2019)
01/31/2019	<a href="#">37</a>	NOTICE of Compliance by A. Lawrence, C. Jr. Tolliver, L. Wilson re <a href="#">32</a> Order,, Set/Reset Deadlines, (Viciano, Ana) (Entered: 01/31/2019)
01/28/2019	36	PAPERLESS ORDER granting <a href="#">35</a> Motion for Extension of Time to File. THIS CAUSE is before the Court on Defendant Lawrence and Wilsons Motion for Extension of Time to Respond to Complaint (Motion), filed January 27, 2019. Being fullyadvised, it isORDERED AND ADJUDGED that:1. The Motion is hereby GRANTED; and2. Defendants Lawrence and Wilson shall have twenty-one (21) days following proberservice on the last named defendant, or following a representation from the U.S. Marshal that thedefendant is unable to be served, to respond to the Amended Complaint. Signed by Magistrate Judge Lisette M. Reid on 1/28/2019. (jb01) (Entered: 01/28/2019)

01/27/2019	<a href="#">35</a>	MOTION for Extension of Time to File Response/Reply/Answer as to <a href="#">5</a> Amended Complaint by A. Lawrence, L. Wilson. Attorney Ana Angelica Viciano added to party A. Lawrence (pty:dft), Attorney Ana Angelica Viciano added to party L. Wilson (pty:dft). (Attachments: # <a href="#">1</a> Text of Proposed Order)(Viciano, Ana) (Entered: 01/27/2019)
01/08/2019	<a href="#">34</a>	NOTICE of a Lawsuit and Request to Waive Service of a Summons/ Waiver for E. Cobarco ( formerly employed at Metro West as a Correctional Counselor Supervisor). (Attachments: # <a href="#">1</a> Summon(s)) (fbn) (Entered: 01/08/2019)
01/08/2019	<a href="#">33</a>	NOTICE of a Lawsuit and Request to Waive Service of a Summons/ Waiver for B. Celeide (formerly employed at Metro West Detention Center, as a Correctional Officer). (Attachments: # <a href="#">1</a> Summon(s)) (fbn) (Entered: 01/08/2019)
01/08/2019	<a href="#">32</a>	ORDER TO MIAMI-DADE CORRECTIONS AND REHABILITATION DEPT. AND U.S. MARSHAL RE-DIRECTING PERSONAL SERVICE UPON DEFENDANTS, E. COBARCO AND OFFICER B. CELEIDE. ( Responses due by 1/31/2019) Signed by Magistrate Judge Lisette Marie Reid on 1/8/2019. <i>See attached document for full details.</i> (fbn) (Entered: 01/08/2019)
01/08/2019	<a href="#">31</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">5</a> Amended Complaint with a 21 day response/answer filing deadline C. Jr. Tolliver served on 12/19/2018, answer due 1/9/2019. (drz) (Entered: 01/08/2019)
01/08/2019	<a href="#">30</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">5</a> Amended Complaint with a 21 day response/answer filing deadline A. Lawrence served on 1/7/2019, answer due 1/28/2019. (drz) (Entered: 01/08/2019)
01/08/2019	<a href="#">29</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">5</a> Amended Complaint with a 21 day response/answer filing deadline L. Wilson served on 1/7/2019, answer due 1/28/2019. (drz) (Entered: 01/08/2019)
01/03/2019	28	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Order(s) 2019-2 to Magistrate Judge Lisette Marie Reid. Magistrate Judge Patrick A. White no longer assigned to case. (yar) (Entered: 01/04/2019)
01/03/2019	27	PAPERLESS ORDER granting <a href="#">26</a> Motion for Extension of Time to File Response/Answer to a Complaint or Other Case Initiating Document Re: <a href="#">5</a> Amended Complaint filed by Mike E. Neal to the extent that the response shall be filed no later than twenty-one days following the district court's Order on a Report, screening the Amended Complaint in accordance with the Prison Litigation Reform Act, to be filed in this case in turn. Signed by Magistrate Judge Patrick A. White on 1/2/2019. (nn) (Entered: 01/03/2019)
01/02/2019	<a href="#">26</a>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer as to <a href="#">5</a> Amended Complaint by C. Jr. Tolliver. Attorney Ana Angelica Viciano added to party C. Jr. Tolliver (pty:dft). (Attachments: # <a href="#">1</a> Text of Proposed Order)(Viciano, Ana) (Entered: 01/02/2019)
12/17/2018	<a href="#">25</a>	Summons (Affidavit) Returned Unexecuted as to B. Celeide. (drz) Modified on 12/17/2018 (drz). (Entered: 12/17/2018)
12/17/2018	<a href="#">24</a>	Summons (Affidavit) Returned Unexecuted as to E. Cabarco. (drz) (Entered: 12/17/2018)

12/07/2018	<a href="#">23</a>	<b>STRICKEN</b> PER DE# <a href="#">41</a> Emergency SUPPLEMENTAL Complaint with a Preliminary Injunction and a Temporary Restraining Order as to <a href="#">5</a> Amended Complaint by Mike E. Neal (pes) Modified on 2/7/2019 (fbn). (Entered: 12/07/2018)
11/06/2018	<a href="#">22</a>	Summons Issued as to E. Cabarco, D. Celeide, A. Lawrence, C. Jr. Tolliver, L. Wilson. (drz) (Entered: 11/06/2018)
11/05/2018	<a href="#">21</a>	ORDER RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AN INDIVIDUAL: E. Cobarco (Correctional Counselor), A. Lawrence (Captain), B. Celeide (C.O.), C. Jr. Tolliver (Correctional Counsel and Disciplinary Hearing Officer), and Lt. L. Williams. Signed by Magistrate Judge Patrick A. White on 11/5/2018. <i>See attached document for full details.</i> (fbn) (Entered: 11/05/2018)
10/30/2018	<a href="#">20</a>	ORDER ADOPTING REPORT AND RECOMMENDATIONS re <a href="#">7</a> , <a href="#">14</a> , <a href="#">16</a> Report and Recommendations. The claims against Defendants Bailey, Mendez and Bennet are DISMISSED without prejudice as duplicative of the claims against these defendants in case no. 18-cv-20085-COOKE. Plaintiff's motions for a temporary restraining order DE <a href="#">8</a> , <a href="#">11</a> are DENIED. Signed by Judge Kathleen M. Williams on 10/30/2018. <i>See attached document for full details.</i> (mc) (Entered: 10/30/2018)
08/14/2018	<a href="#">19</a>	REQUEST for Copy of Case by Mike E. Neal (ls) (Entered: 08/14/2018)
06/05/2018	<a href="#">18</a>	ORDER denying <a href="#">17</a> Motion to Appoint Counsel; denying <a href="#">17</a> Motion for Reconsideration. Pursuant to 28 U.S.C. §1915(e)(1), [a] district court has discretionary authority... to appoint counsel for an indigent defendant in civil cases. Holt v. Ford, 862 F.2d 850, 853 (11th Cir.1989). When deciding to appoint counsel, the court must consider the legal and factual complexity of the plaintiff's case. Id. Generally, no right to counsel exists in § 1983 actions; appointment of counsel is a privilege justified only by exceptional circumstances. Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir.1985). Here, Plaintiff has failed to allege any facts that would constitute exceptional circumstances, and review of the record reveals none. Moreover, to the extent that plaintiff means to contest the conclusions made in the pending reports and recommendation, plaintiff must file objections for the district judge to review. Plaintiff was previously put on notice in the most recent report (DE#16) that objections must be filed within 14 days of receipt of the report. Signed by Magistrate Judge Patrick A. White on 6/5/2018. (rmr) (Entered: 06/05/2018)
06/05/2018	<a href="#">17</a>	MOTION to Appoint Counsel ( Responses due by 6/19/2018), MOTION for Reconsideration to Proceed Forward with out Further Delays re <a href="#">16</a> REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Mike E. Neal Recommending that Defendants Bailey, Mendez, and Bennet be DISMISSED from the instant case without prejudice as duplicative of case no. 18-cv- by Mike E. Neal. (drz) (Entered: 06/05/2018)
05/17/2018	<a href="#">16</a>	SUPPLEMENTAL REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Mike E. Neal; Recommending that Defendants Bailey, Mendez, and Bennet be DISMISSED from the instant case without prejudice as duplicative of case no. 18-cv-20085-Cooke. Should Plaintiff wish to include the these defendants in case no. 18-cv-20085-Cooke, he should seek permission from this Court by filing first a motion for leave to amend his complaint in case no. 18-cv-20085-Cooke, together with a proposed amended complaint, on the proper form, for the court's consideration, which may become the operative complaint in that case if it is permitted to proceed. It is further recommended that the

		rest of the complaint proceed as to the remaining MWDC defendants in the manner that was recommended by the previous report and recommendation currently pending before the district court. (DE#7). Objections to R&R due by 5/31/2018. Signed by Magistrate Judge Patrick A. White on 5/16/2018. (Attachments: # <a href="#">1</a> 1983 form) (br) (Entered: 05/17/2018)
04/24/2018	<a href="#">15</a>	ORDER denying <a href="#">13</a> Motion to Produce. The plaintiff's in forma pauperis status only affords him the opportunity to file and pursue his case without having to pay the \$350.00 filing fee upon inception of the case. A debt for the \$350.00 has been established through his prison account statement. A Request for Copies Form is being sent to the plaintiff, detailing the procedure and cost of requesting copies from the Clerk's office. Signed by Magistrate Judge Patrick A. White on 4/24/2018. (lr) (Entered: 04/24/2018)
04/16/2018	<a href="#">14</a>	REPORT AND RECOMMENDATIONS RE: MOTION FOR PRELIMINARY INJUNCTION AND SUPPORTING MEMORANDUM OF LAW on 42 USC 1983 case re <a href="#">8</a> MOTION for Temporary Restraining Order filed by Mike E. Neal, <a href="#">11</a> MOTION for Order to Show Cause filed by Mike E. Neal; Recommending that Plaintiff's motion for injunction/restraining order be DENIED. Objections to R&R due by 4/30/2018. Signed by Magistrate Judge Patrick A. White on 4/16/2018. (fbn) (Entered: 04/16/2018)
04/12/2018	<a href="#">13</a>	MOTION to Produce Documents by Mike E. Neal (copy of docket sheet mailed). (lrz1) (Entered: 04/13/2018)
04/06/2018	<a href="#">12</a>	ORDER striking <a href="#">10</a> Motion for Leave to Proceed in forma pauperis. This is the second motion to proceed IFP that Plaintiff has filed in this matter (See DE#3), and Plaintiff's motion has already been granted. (DE#6). In addition, Plaintiff purports to file this motion not only in this case, but in three other cases he apparently has pending in this Court. Plaintiff is thus advised that pro se plaintiffs are subject to the same rules governing federal proceedings that apply to all represented litigants. E.g., Nelson v. Barden, 145 F. App'x 303, 311 n. 10 (11th Cir.2005) ([A] defendant's pro se status in civil litigation generally will not excuse mistakes he makes regarding procedural rules.); Wayne v. Jarvis, 197 F.3d 1098, 1104 (11th Cir.1999) (liberal construction of the pleading requirements for pro se litigants does not equate with liberal deadlines), overruled on other grounds by Manders v. Lee, 338 F.3d 1304 (11th Cir.2003); Moon v. Newsome, 863 F.2d 835, 837 (11th Cir.1989) ([O]nce a pro se IFP litigant is in court, he is subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure.). Plaintiff must therefore file separate pleadings in each of his matters, must keep track of what he has filed in each case, and file pleadings that are pertinent to a particular case in that case only. Stated another way, Plaintiff cannot simply put all of his case numbers on his pleadings, and expect the Court to decipher what, if anything, may be pertinent to each case. Plaintiff is thus hereby advised that continued frivolous or what can be characterized as shotgun filings will result in sanctions, including dismissal of this action as a measure of last resort. Signed by Magistrate Judge Patrick A. White on 4/6/2018. (rmr) (Entered: 04/06/2018)
04/03/2018	<a href="#">11</a>	MOTION for Order to Show Cause for Preliminary Injunction and Temporary Restraining Order for Multiple Civil Action Cases by Mike E. Neal. (lrz1) (Entered: 04/03/2018)

04/03/2018	<a href="#">10</a>	MOTION for Leave to Proceed in forma pauperis by Mike E. Neal. (lrz1) (Entered: 04/03/2018)
04/03/2018	<a href="#">9</a>	DECLARATION of Mike E. Neal in Support re <a href="#">8</a> MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction filed by Mike E. Neal. (lrz1) (Entered: 04/03/2018)
04/03/2018	<a href="#">8</a>	Memorandum of Law in Support of MOTION for Temporary Restraining Order (Responses due by 4/17/2018), MOTION for Preliminary Injunction by Mike E. Neal.(lrz1) (Entered: 04/03/2018)
03/12/2018	<a href="#">7</a>	REPORT AND RECOMMENDATIONS RE SCREENING AMENDED COMPLAINT on 42 USC 1983 case re <a href="#">5</a> Amended Complaint filed by Mike E. Neal; Recommending that: 1. The failure to prevent harm claim go forward as to Defendants Wilson, Lawrence, and Celeide. 2.The deliberate indifference claim be dismissed as to Defendant Bennet, pursuant to 28 U.S.C. §1915(e)(2)(b)(ii), for failure to state a claim upon which relief can be granted. 3.The substantive and procedural due process claims go forward as to Defendants Lawrence, Wilson, Tolliver, Bailey, Cobarco, Bennet and Mendez. 4.The retaliation claim go forward against Defendant Wilson. Objections to R&R due by 3/26/2018. Signed by Magistrate Judge Patrick A. White on 3/12/2018. (fbn) (Entered: 03/12/2018)
03/09/2018	<a href="#">6</a>	ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CLERK OF \$350.00 granting <a href="#">3</a> Motion for Leave to Proceed in forma pauperis. Plaintiff to Proceed without Prepayment of Filing Fee but Establishing Debt to Clerk of \$350.00. Granting to the extent that the plaintiff need not prepay even a partial filing fee in this case, or to prepay costs such as for service of process. <b>USM Service NOT Ordered</b> . Signed by Magistrate Judge Patrick A. White on 3/9/2018. (fbn) (Entered: 03/12/2018)
02/27/2018	<a href="#">5</a>	AMENDED COMPLAINT against Jenny Bailey, C. Bennet, E. Cabarco, D. Celeide, A. Lawrence, J. Mendez, C. Jr. Tolliver, L. Wilson, filed by Mike E. Neal.(lrz1) (Entered: 02/27/2018)
01/31/2018	<a href="#">4</a>	ORDER TO AMEND COMPLAINT on or before March 1, 2018, the plaintiff shall file an amended complaint providing a short and plain statement of his claims, a basis for federal jurisdiction, and a demand for judgment. ( Amended Complaint due by 3/1/2018) Signed by Magistrate Judge Patrick A. White on 1/31/2018. (Attachments: # <a href="#">1</a> 1983 Complaint Form) (fbn) (Entered: 01/31/2018)
01/30/2018	<a href="#">3</a>	MOTION for Leave to Proceed in forma pauperis by Mike E. Neal. (kpe) (Entered: 01/30/2018)
01/30/2018	2	Clerks Notice of Judge Assignment to Judge Kathleen M. Williams and Magistrate Judge Patrick A. White.  Pursuant to Administrative Order 2003-19, this matter is referred to the Magistrate Judge for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (kpe) (Entered: 01/30/2018)
01/30/2018	<a href="#">1</a>	Complaint pursuant to 42 USC 1983 against Jenny Bailey, C. Bennet, E. Cabarco, D. Celeide, A. Lawrence, J. Mendez, C. Jr. Tolliver, L. Wilson. Filing fee \$ 350.00. IFP Filed, filed by Mike E. Neal. (Attachments: # <a href="#">1</a> Exhibit)(kpe) (Entered: 01/30/2018)