

**U.S. District Court
Southern District of Florida (Ft Lauderdale)
CIVIL DOCKET FOR CASE #: 0:22-cv-62032-DMM**

Francis v. Broward County Sheriff's Office et al
Assigned to: Judge Donald M. Middlebrooks
Referred to: US Magistrate Judge Panayotta D Augustin-Birch
(Settlement)
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 11/01/2022
Jury Demand: Defendant
Nature of Suit: 555 Habeas Corpus (Prison
Condition)
Jurisdiction: Federal Question

Plaintiff

Heninston Steven Francis

represented by **Heninston Steven Francis**
131701713
Broward County Main Jail
Inmate Mail/Parcels
Post Office Box 9356
Fort Lauderdale, FL 33310
PRO SE

V.

Defendant

Broward County Sheriff's Office
TERMINATED: 02/27/2023

Defendant

WellPath
Correct Care Solutions
TERMINATED: 02/27/2023

Defendant

Maggie Raspberry
TERMINATED: 02/27/2023

Defendant

Glenn Pearson

represented by **Jeffery Rodman Lawley**
Billing, Cochran, Lyles, Mauro & Ramsey,
PA
515 E Las Olas Boulevard
Suite 600 Suntrust Bank
Fort Lauderdale, FL 33301
954-764-7150
Fax: 954-764-7279
Email: jrl@bclmr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Wilmise Noralus**

represented by **Jeffery Rodman Lawley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Andrea Craig**

represented by **Jeffery Rodman Lawley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**John Does***TERMINATED: 02/27/2023***Defendant****Renee Smith***TERMINATED: 02/27/2023*

Date Filed	#	Docket Text
06/22/2023	57	ORDER. Plaintiff's Notice of Inquiry to Court and Extension of Time DE 48 and Motion for Extension of Time DE 55 are DENIED. Signed by Judge Donald M. Middlebrooks on 6/22/2023. <i>See attached document for full details.</i> (ebz) (Entered: 06/22/2023)
06/20/2023	56	PAPERLESS Minute Entry for proceeding held before US Magistrate Judge Panayotta D Augustin-Birch: Status Conference held on 6/20/2023. Total time in court: 0 hour(s) : 20 minutes. Appearances: Heninston Steven Francis; Jeffery Rodman Lawley. (sk01) (Entered: 06/20/2023)
06/15/2023	55	MOTION for Extension of Time for Joinder of Parties and Amendment to Pleadings re 38 Scheduling Order, by Heninston Steven Francis. (ebz) (Entered: 06/15/2023)
06/14/2023	54	ORDER REFERRING CASE TO VOLUNTEER ATTORNEY PROGRAM. ORDER granting 51 Motion for Referral to Volunteer Attorney Program. Signed by Judge Donald M. Middlebrooks on 6/14/2023. <i>See attached document for full details.</i> (nan) (Entered: 06/15/2023)
06/06/2023	53	CLERK'S NOTICE of Compliance - Copy of this Order mailed to plaintiff/defendant /party indicated re 50 Order Setting Status Conference, (sk) (Entered: 06/06/2023)
06/06/2023	52	Clerks Notice of Receipt of Partial Filing Fee received on 5/26/2023 in the amount of \$ 90.00, receipt number FLS270441. (vt) (Entered: 06/06/2023)
06/05/2023	51	MOTION for Referral to Volunteer Attorney Program by Heninston Steven Francis. (ebz) (Entered: 06/05/2023)
06/01/2023	50	ORDER Setting Status Conference: Status Conference set for 6/20/2023 01:30 PM before US Magistrate Judge Panayotta D Augustin-Birch. Signed by US Magistrate Judge Panayotta D Augustin-Birch on 6/1/2023. <i>See attached document for full</i>

		<i>details.</i> (nan) (Entered: 06/01/2023)
05/31/2023	49	RESPONSE to 36 Answer to Amended Complaint by Heninston Steven Francis. (ebz) (Entered: 05/31/2023)
05/25/2023	48	Notice of Inquiry and Extension of Time Requesting New Date/Deadlines for Court Order re 38 Scheduling Order, Order Referring Case to Magistrate Judge, by Heninston Steven Francis. (Second Copy of Order DE 38 mailed, see DE 46) (ebz) (Entered: 05/25/2023)
05/25/2023	47	NOTICE of Compliance by Heninston Steven Francis re 38 Scheduling Order, Order Referring Case to Magistrate Judge. (ebz) (Entered: 05/25/2023)
05/24/2023	46	NOTICE of Compliance, a copy of the Trial Court Order, DE# 38 and the Order, DE# 45 ; were mailed to the Plaintiff and the Attorney for the Defendant. (nan). (Entered: 05/24/2023)
05/23/2023	45	ORDER granting in part and denying in part 43 Motion for Extension of Time to File. Plaintiff's Motion (DE 43) is DENIED in part and GRANTED in part. Plaintiff's equest to extend the pretrial deadlines set forth in the Trial Court Order is DENIED. Plaintiff's request for a copy of my Trial Court Order (DE 38) is GRANTED. The Clerk shall mail a copy of my Trial Court Order (DE 38) to the Plaintiff along with his copy of this Order and note the docket accordingly. Signed by Judge Donald M. Middlebrooks on 5/23/2023. <i>See attached document for full details.</i> (nan) (Entered: 05/24/2023)
05/23/2023	44	NOTICE of Compliance by Plaintiff, by Andrea Craig and by Wilmise Noralus, Glenn Pearson re 38 Scheduling Order,,,,, Order Referring Case to Magistrate Judge,,,,, (Lawley, Jeffery) (Entered: 05/23/2023)
05/18/2023	43	MOTION for Extension of Time to File Response and Notice of Inquiry as to 38 Scheduling Order, Order Referring Case to Magistrate Judge, by Heninston Steven Francis. (Copy of Docket Sheet and Copy of Order DE 38 mailed) (ebz) (Entered: 05/18/2023)
05/12/2023	42	NOTICE by Andrea Craig, Wilmise Noralus, Glenn Pearson <i>Defendant's Response to Court Order DE 41</i> (Attachments: # 1 Exhibit a copy of Defendants' Answer and Affirmative Defenses to Plaintiff's Amended Complaint) (Lawley, Jeffery) (Entered: 05/12/2023)
05/03/2023	41	ORDER. Plaintiff's Motion (DE 40) is GRANTED solely to the extent that the Defendants shall ensure that copies of their filings with the Court are promptly mailed to the Plaintiff at his address of record. On or before MAY 15, 2023, Defendants shall file a Notice with the Court with supporting exhibits confirming Plaintiff received their April 10, 2023 Answer. Signed by Judge Donald M. Middlebrooks on 5/3/2023. <i>See attached document for full details.</i> (daa) (Entered: 05/03/2023)
05/02/2023	40	MOTION to Timely Be Heard by the Defendants by Heninston Steven Francis. (mailed a copy of DE 36 Defendants Dr. Glenn Pearson, Andrea Craig and Wilmise Noralus ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand and a copy of the docket sheet to Heninston Steven Francis. (ebz) Modified text on 5/3/2023 (ebz). (Entered: 05/02/2023)

04/14/2023	<u>39</u>	Clerks Notice of Receipt of Partial Filing Fee received on 4/7/2023 in the amount of \$ 30.00, receipt number FLS267886. (vt) (Entered: 04/14/2023)
04/12/2023	<u>38</u>	<p>ORDER SETTING TRIAL DATE AND PRETRIAL SCHEDULE AND REFERRING SETTLEMENT CONFERENCE TO MAGISTRATE JUDGE: (Amended Pleadings due by 6/8/2023., Discovery due by 7/13/2023., Joinder of Parties due by 6/8/2023., In Limine Motions due by 12/4/2023., Dispositive Motions due by 8/10/2023., Jury Trial set for 12/18/2023 09:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks., Calendar Call set for 12/13/2023 01:15 PM in West Palm Beach Division before Judge Donald M. Middlebrooks.). Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, this case is HEREBY REFERRED to United States Magistrate Judge Panayotta Augustin-Birch for a settlement conference. Magistrate Judge Augustin-Birch will schedule the settlement conference for a date and time convenient to their chambers. The Parties shall participate in a Settlement Conference no later than OCTOBER 31, 2023. Signed by Judge Donald M. Middlebrooks on 4/12/2023. <i>See attached document for full details.</i> (daa)</p> <p><u>Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here.</u> (Entered: 04/12/2023)</p>
04/11/2023	<u>37</u>	Clerks Notice of Receipt of Partial Filing Fee received on 4/10/2023 in the amount of \$ 30.00, receipt number FLS267599. (vt) (Entered: 04/11/2023)
04/10/2023	<u>36</u>	<i>Defendants Dr. Glenn Pearson, Andrea Craig and Wilmise Noralus</i> ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by Andrea Craig, Wilmise Noralus, Glenn Pearson. (Lawley, Jeffery) (Entered: 04/10/2023)
03/22/2023	<u>35</u>	ORDER. The Defendants' Motion (DE <u>34</u>) is GRANTED to the extent that the Defendants shall have until on or before APRIL 10, 2023 to file a response to Plaintiff's Amended Complaint (DE <u>15</u>). No further extensions will be granted absent extraordinary circumstances. Signed by Judge Donald M. Middlebrooks on 3/22/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/22/2023)
03/21/2023	<u>34</u>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer <i>to Plaintiff's Complaint</i> by Andrea Craig, Wilmise Noralus, Glenn Pearson. (Lawley, Jeffery) (Entered: 03/21/2023)
03/10/2023	<u>33</u>	NOTICE of Inquiry by Heninston Steven Francis. (Mailed a copy of <u>31</u> Order, <u>15</u> Amended Complaint and Docket Sheet). (ebz) (Entered: 03/10/2023)
03/09/2023	<u>32</u>	NOTICE of Attorney Appearance by Jeffery Rodman Lawley on behalf of Wilmise Noralus (Lawley, Jeffery) (Entered: 03/09/2023)
03/07/2023	<u>31</u>	ORDER. Plaintiff's Motion (DE <u>27</u>) is DENIED as moot. Signed by Judge Donald M. Middlebrooks on 3/7/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/07/2023)
03/06/2023	<u>30</u>	NOTICE of Attorney Appearance by Jeffery Rodman Lawley on behalf of Wilmise Noralus. Attorney Jeffery Rodman Lawley added to party Wilmise Noralus(pty:dft). (Lawley, Jeffery) (Entered: 03/06/2023)

03/03/2023	29	SUMMONS (Affidavit) Returned Executed on 15 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Wilmise Noralus served on 3/3/2023, response/answer due 3/24/2023. (ebz) (Entered: 03/06/2023)
03/03/2023	28	ORDER. Plaintiff's Motion (DE 22) is DENIED as moot. Signed by Judge Donald M. Middlebrooks on 3/3/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/03/2023)
03/03/2023	27	MOTION for Enforcement to Broward County Jail Inmate Banking, for Partial Filing Fee and Assistance With Copies by Heninston Steven Francis. (jas) (Entered: 03/03/2023)
03/02/2023	26	NOTICE of Attorney Appearance by Jeffery Rodman Lawley on behalf of Andrea Craig. Attorney Jeffery Rodman Lawley added to party Andrea Craig(pty:dft). (Lawley, Jeffery) (Entered: 03/02/2023)
03/02/2023	25	NOTICE of Attorney Appearance by Jeffery Rodman Lawley on behalf of Glenn Pearson. Attorney Jeffery Rodman Lawley added to party Glenn Pearson(pty:dft). (Lawley, Jeffery) (Entered: 03/02/2023)
03/01/2023	24	SUMMONS (Affidavit) Returned Executed on 15 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Glenn Pearson served on 2/28/2023, response/answer due 3/21/2023. (ebz) (Entered: 03/01/2023)
03/01/2023	23	SUMMONS (Affidavit) Returned Executed on 15 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Andrea Craig served on 2/28/2023, response/answer due 3/21/2023. (ebz) (Entered: 03/01/2023)
02/28/2023	22	MOTION to Alter Judgment or Consideration re 12 Order Dismissing/Closing Case, by Heninston Steven Francis. (ebz) (Entered: 02/28/2023)
02/27/2023	21	Summons Issued as to Andrea Craig, Dr. Glenn Pearson's Dental Assistant employed by Wellpath and working between 2019 and 2022 at Broward County Main Jail. (daa) (Entered: 02/27/2023)
02/27/2023	20	Summons Issued as to Wilmise Noralus, Dental Hygienist employed by Wellpath and working between 2019 and 2022 at Broward County Main Jail. (daa) (Entered: 02/27/2023)
02/27/2023	19	Summons Issued as to Dr. Glenn Pearson (Dentist) employed by Wellpath and working between 2019 and 2022 at Broward County Main Jail. (daa) (Entered: 02/27/2023)
02/27/2023	18	ORDER TO U.S. MARSHAL RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AN INDIVIDUAL. Signed by Judge Donald M. Middlebrooks on 2/27/2023. <i>See attached document for full details.</i> (daa) (Entered: 02/27/2023)
02/27/2023	17	ORDER SCREENING AMENDED CIVIL RIGHTS COMPLAINT UNDER THE PRISON LITIGATION REFORM ACT ("PLRA"). Plaintiff's Amended Complaint (DE 15) shall PROCEED solely on a claim of deliberate indifference to a serious dental need against the Defendants Dr. Pearson, Andrea Craig, and Wilmise Noralus; and, Plaintiff's claims against Defendants Wellpath, Broward County Sheriff's Office,

		Renee Smith, Maggie Raspberry, the John Doe Medical Staff, and the John Doe Jail Officials are DISMISSED for failure to state a claim upon which relief can be granted. The Clerk is instructed to reopen this case. Signed by Judge Donald M. Middlebrooks on 2/27/2023. <i>See attached document for full details.</i> (daa) (Entered: 02/27/2023)
02/27/2023	16	Clerks Notice of Receipt of Partial Filing Fee received on 2/23/2023 in the amount of \$ 40.50, receipt number FLS265442. (vt) (Entered: 02/27/2023)
02/22/2023	15	AMENDED COMPLAINT against Broward County Sheriff's Office, Andrea Craig, Wilmise Noralus, Glenn Pearson, Maggie Raspberry, WellPath, Renee Smith filed in response to Order Granting Motion for Leave, filed by Heninston Steven Francis.(ebz) (Entered: 02/22/2023)
02/13/2023	14	ORDER granting 13 Motion for Extension of Time. Amended Complaint due by 2/28/2023. Filing Fee due by 2/28/2023. Plaintiff's second Motion for Extension of Time (DE 13) to file an Amended Complaint is GRANTED solely to the extent that Plaintiff may, if he so chooses, file an Amended Complaint on or before FEBRUARY 28, 2023. Plaintiff is further advised that this case shall remain CLOSED, until such time as Plaintiff complies with this Order by filing his Amended Complaint, if he so chooses, and paying the Clerks partial filing fee on or before FEBRUARY 28, 2023. Signed by Judge Donald M. Middlebrooks on 2/13/2023. <i>See attached document for full details.</i> (nan) (Entered: 02/14/2023)
02/10/2023	13	MOTION for Extension of Time. re 11 Order on Motion for Extension of Time to Amend, Order on Motion to Amend/Correct, by Heninston Steven Francis. Responses due by 2/24/2023 (pc) (Entered: 02/10/2023)
02/09/2023	12	ORDER. This case is DISMISSED without prejudice for failure to state a claim upon which relief can be granted. Any pending motions are DENIED as moot; and, The Clerk of Court shall CLOSE THIS CASE. Signed by Judge Donald M. Middlebrooks on 2/9/2023. <i>See attached document for full details.</i> (daa) (Entered: 02/09/2023)
01/04/2023	11	ORDER. Plaintiff's Motion for Extension of Time (DE 9) to file an Amended Complaint is GRANTED solely to the extent that Plaintiff may, if he so chooses, file an Amended Complaint on or before FEBRUARY 7, 2023. Plaintiff's Motion to Correct IFP (DE 10) is GRANTED solely to the extent that the time for payment of the partial filing fee is extended to on or before FEBRUARY 7, 2023. To the extent Plaintiff seeks a waiver of the statutorily required partial filing fee, the Motion to Correct IFP is DENIED. Signed by Judge Donald M. Middlebrooks on 1/4/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/05/2023)
12/21/2022	10	MOTION to Correct Forma Pauperis Status re 8 Order on Motion for Leave to Proceed in forma pauperis, by Heninston Steven Francis. Responses due by 1/4/2023 (ebz) (Entered: 12/21/2022)
12/05/2022	9	MOTION for Extension of Time to Alter and Amend Complaint by Heninston Steven Francis. Responses due by 12/19/2022 (ebz) (Entered: 12/05/2022)
11/22/2022	8	ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND ESTABLISHING A DEBT OF \$350. Plaintiff's motion to proceed in forma pauperis (DE 6) is GRANTED. On or before DECEMBER 22, 2022, Plaintiff shall pay \$40.50 (representing 20% of the average monthly deposits \$202.50 [\$1,215.00 in deposits divided by 6—or the six-month period between May 1, 2022 and October 16, 2022]) as a partial filing fee in this case. Plaintiff need not prepay costs for

		service of process. Plaintiff is also reminded that his Amended Complaint is due to be filed with the Court on or before DECEMBER 7, 2022. Signed by Judge Donald M. Middlebrooks on 11/22/2022. <i>See attached document for full details.</i> (daa) (Entered: 11/22/2022)
11/21/2022	<u>7</u>	AFFIDAVIT or Declaration in Support re <u>6</u> MOTION for Leave to Proceed in forma pauperis filed by Heninston Steven Francis. (ebz) (Entered: 11/21/2022)
11/21/2022	<u>6</u>	MOTION for Leave to Proceed in forma pauperis by Heninston Steven Francis. (ebz) (Entered: 11/21/2022)
11/08/2022	<u>5</u>	ORDER OF INSTRUCTIONS TO PRO SE LITIGANTS. Signed by Judge Donald M. Middlebrooks on 11/8/2022. <i>See attached document for full details.</i> (daa) (Entered: 11/08/2022)
11/08/2022	<u>4</u>	ORDER DISMISSING CIVIL RIGHTS COMPLAINT UNDER THE PRISON LITIGATION REFORM ACT ("PLRA"). The Plaintiff's Complaint (DE <u>1</u>) is DISMISSED without prejudice for failure to state a claim upon which relief can be granted. On or before DECEMBER 7, 2022, Plaintiff may, if he so chooses, file an Amended Complaint providing a short and plain statement of the claim or claims with supporting facts against each named Defendant, a basis for federal jurisdiction, and a demand for judgment. The Plaintiff shall be provided a form complaint for his use. Signed by Judge Donald M. Middlebrooks on 11/8/2022. <i>See attached document for full details.</i> (Attachments: # <u>1</u> Complaint for Violation of Civil Rights (Prisoner form)) (daa) (Entered: 11/08/2022)
11/08/2022	<u>3</u>	ORDER REQUIRING PAYMENT OF \$402 FILING FEE OR FILING AN APPLICATION TO PROCEED IN FORMA PAUPERIS WITH SUPPORTING DOCUMENTATION. On or before DECEMBER 7, 2022, Plaintiff shall either pay the \$402.00 filing fee or shall complete and file the form application to proceed without payment of fees attached to this Order. Signed by Judge Donald M. Middlebrooks on 11/8/2022. <i>See attached document for full details.</i> (Attachments: # <u>1</u> IFP Form) (daa) (Entered: 11/08/2022)
11/01/2022	<u>2</u>	Judge Assignment to Judge Donald M. Middlebrooks.. (daa) (Entered: 11/01/2022)
11/01/2022	<u>1</u>	Complaint pursuant to 42 USC 1983 against Broward County Sheriff's Office, Andrea Craig, John Does, Wilmise Noralus, Glenn Pearson, Maggie Raspberry, WellPath. Filing fee \$ 402.00 (Filing fee not paid/IFP Motion not filed), filed by Heninston Steven Francis.(daa) (Entered: 11/01/2022)