

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:23-cv-23021-RKA**

Johnson et al, v. Secretary of Florida Department of Corrections
et al
Assigned to: Judge Roy K. Altman
Referred to: Magistrate Judge Lisette M. Reid
Member case:

[1:23-cv-23022-RKA](#)

Cause: 42:1983 Civil Rights Act

Date Filed: 08/10/2023
Date Terminated: 08/18/2023
Jury Demand: None
Nature of Suit: 555 Habeas Corpus (Prison
Condition)
Jurisdiction: Federal Question

Plaintiff

Otha Kenyua Johnson

represented by **Otha Kenyua Johnson**
0517050
West Detention Center
Inmate Mail/Parcels
P.O. Box 1450
Belle Glade, FL 33430
PRO SE

V.

Consol Plaintiff

Matthew Lewis

represented by **Matthew Lewis**
0382088
West Detention Center
Inmate Mail/Parcels
P.O. Box 1450
Belle Glade, FL 33430
PRO SE

V.

Defendant

**Secretary of Florida Department of
Corrections**

Ricky D. Dixon

Defendant

**Warden of South Florida Reception
Center**

Scott Cumbie

Date Filed	#	Docket Text
10/31/2023	24	ORDER granting 23 Motion for Referral to Volunteer Attorney Program. Signed by Judge Roy K. Altman on 10/31/2023. <i>See attached document for full details.</i> (pc) (Entered: 11/01/2023)
10/30/2023	23	MOTION for Referral to Volunteer Attorney Program by Otha Kenyua Johnson. (pc) (Entered: 10/31/2023)
10/26/2023	22	NOTICE of Compliance re 13 Order on Motion for Leave to Proceed in forma pauperis, 1 Complaint 42 USC 1983 or Bivens, filed by Otha Kenyua Johnson, 6 Complaint, filed by Matthew Lewis, 21 Summons Issued, 20 Order. A copy of all the documents were placed in the U.S. Marshals mailbox in the Ft. Lauderdale office for further processing. (nan) (Entered: 10/26/2023)
10/26/2023	21	Summons Issued as to Warden of South Florida Reception Center. (nan) (Entered: 10/26/2023)
10/25/2023	20	ORDER. We therefore ORDER the Marshals to serve the Plaintiffs' complaints on the current warden of the South Florida Reception Center, Jimmy Love. See South Florida Reception Center, FLA. DEPT OF CORR., https://fdc.myflorida.com/ci/402.html (last visited Oct. 25, 2023). Second, as to the individual-capacity claims, the Florida Department of Corrections MUST give us Warden Cumbie's last known home address, in camera and under seal, so that we can effectuate service on Warden Cumbie. The Clerk's Office SHALL process and send a new summons to the U.S. Marshal for service. The Marshal SHALL immediately file proof of service with the Clerk of Court. The custodian of records for the Florida Department of Corrections SHALL obtain the last known home address to which the Department mailed the most recent W-2 Form (or other payroll information) to Warden Scott Cumbie. Signed by Judge Roy K. Altman on 10/25/2023. <i>See attached document for full details.</i> (nan) (Entered: 10/26/2023)
10/19/2023	19	SUMMONS (Affidavit) Returned Executed on 6 Complaint, with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Secretary of Florida Department of Corrections served on 10/18/2023, response/answer due 11/8/2023. (drz) (Entered: 10/19/2023)
10/17/2023	18	Summons (Affidavit) Returned Unexecuted as to Warden of South Florida Reception Center. (drz) (Entered: 10/17/2023)
10/04/2023	17	Summons Issued as to Secretary of Florida Department of Corrections, Warden of South Florida Reception Center. (pc) (Entered: 10/11/2023)
10/04/2023	16	Clerk's Notice of Compliance: re 15 Order. (Package prepared and placed in U.S. Marshal's Mailbox). (pc) (Entered: 10/05/2023)
10/04/2023	15	ORDER: Directing Service of Summons by a U.S. Marshal or Deputy U.S. Marshal: re 1 Complaint 42 USC 1983 or Bivens, filed by Otha Kenyua Johnson, 6 Complaint, filed by Matthew Lewis. Signed by Judge Roy K. Altman on 10/4/2023. <i>See attached document for full details.</i> (pc) (Entered: 10/05/2023)
10/04/2023	14	Clerk's Notice of Compliance: re 13 Order on Motion for Leave to Proceed in forma pauperis. (copy mailed to PB County Sheriff's Office, Inmate Trust Fund Department). (pc) (Entered: 10/05/2023)

10/04/2023	13	ORDER: granting 10 Motion for Leave to Proceed in forma pauperis. Plaintiff to Proceed without Prepayment of Filing Fee but Establishing Debt to Clerk of \$ 350.00. USM Service NOT Ordered ; granting 11 Motion for Leave to Proceed in forma pauperis. Plaintiff to Proceed without Prepayment of Filing Fee but Establishing Debt to Clerk of \$ 350.00. USM Service NOT Ordered . The Court will direct the U.S. Marshals Service to serve the appropriate Defendants in a separate order. See FED. R. CIV. P. 4(c)(3). Signed by Judge Roy K. Altman on 10/4/2023. <i>See attached document for full details.</i> (pc) (Entered: 10/05/2023)
09/13/2023	12	ORDER OF INSTRUCTIONS TO PRO SE LITIGANTS. Signed by Judge Roy K. Altman on 9/13/2023. <i>See attached document for full details.</i> (drz) (Entered: 09/13/2023)
09/11/2023	11	MOTION for Leave to Proceed in forma pauperis by Matthew Lewis. (drz) (Entered: 09/11/2023)
09/07/2023	10	MOTION for Leave to Proceed in forma pauperis by Otha Kenyua Johnson. (pc) (Entered: 09/07/2023)
08/21/2023	9	PAPERLESS ORDER denying 8 Motion for Referral to Volunteer Attorney Program without prejudice. The Plaintiffs must file a legally sufficient IFP motion, <i>see</i> Order Denying IFP Motions [ECF No. 7], and their complaints must survive the screening requirements of 28 U.S.C. § 1915A, before we will allow this case to proceed to service. Once that happens, the Plaintiffs will be entitled (if they wish) to file a motion to refer the case to this Court's volunteer attorney program. Signed by Judge Roy K. Altman on 8/21/2023. (cps) (Entered: 08/21/2023)
08/18/2023	8	MOTION for Referral to Volunteer Attorney Program by Otha Kenyua Johnson. (drz) (Entered: 08/18/2023)
08/18/2023	7	ORDER DENYING IFP MOTIONS. We hereby ORDER AND ADJUDGE that Johnson's IFP Motion [ECF No. 3] and Lewis's IFP Motion [ECF No. 5] are DENIED without prejudice . By September 8, 2023 , the Plaintiffs must either (i) pay the entire filing fee or (ii) file an adequate application to proceed IFP. The Clerk shall administratively CLOSE this case. Signed by Judge Roy K. Altman on 8/18/2023. <i>See attached document for full details.</i> (Attachments: # 1 Exhibit IFP Form) (cps) (Entered: 08/18/2023)
08/16/2023	6	Civil Rights Complaint, Motion for Preliminary Injunction or Temporary Restraining Order pursuant to 42 USC 1983 against Secretary of Florida Department of Corrections, Warden of South Florida Reception Center. Filing fee \$ 402.00. IFP Filed, filed by Matthew Lewis. (Attachments: # 1 Exhibits)(nan) (Entered: 08/17/2023)
08/16/2023	5	MOTION for Leave to Proceed in forma pauperis by Matthew Lewis. (nan) (Entered: 08/17/2023)
08/16/2023	4	ORDER. Case No. 23-cv-23022-RKA is hereby CONSOLIDATED with Case No. 23-cv- 23021-RKA. Case No. 23-cv-23022-RKA shall be administratively CLOSED. All future filings shall be made under Johnson v. Dixon, No. 23-cv-23021-RKA. Any pending motions in Case No. 23-cv-23022-RKA are DENIED AS MOOT. The Clerk is DIRECTED to docket the Complaint [ECF No. 1] and the Motion to Proceed in Forma Pauperis [ECF No. 3] from Lewis v. Dixon, No. 23-cv-23022, in Johnson v. Dixon, Case No. 23-cv-23021-RKA. This Order is without prejudice to any party

		<p>filing a future motion for separate trials under FED. R. CIV. P. 42(b). The Clerk shall docket this Order in the following cases: a. Johnson v. Dixon, No. 23-cv-23021-RKA. b. Lewis v. Dixon, No. 23-cv-23022-RKA Signed by Judge Roy K. Altman on 8/16/2023. <i>See attached document for full details.</i> (nan) (Entered: 08/17/2023)</p>
08/10/2023	3	<p>MOTION for Leave to Proceed in forma pauperis by Otha Kenyua Johnson. (kpe) (Entered: 08/10/2023)</p>
08/10/2023	2	<p>Clerks Notice of Judge Assignment to Judge Roy K. Altman and Magistrate Judge Lisette M. Reid.</p> <p>Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Lisette M. Reid is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.</p> <p>Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (kpe) (Entered: 08/10/2023)</p>
08/10/2023	1	<p>Civil Rights Complaint, and Motion for Preliminary Injunction and Restraining Order pursuant to 42 USC 1983 against Secretary of Florida Department of Corrections, Warden of South Florida Reception Center. Filing fee \$ 402.00. IFP Filed, filed by Otha Kenyua Johnson. (Attachments: # 1 Exhibit)(kpe) (Entered: 08/10/2023)</p>