

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AUGUSTUS HEBREW EVANS, JR., :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 16-598-RGA
 :
 LEZLEY SEXTON, et al., :
 :
 Defendants. :

MEMORANDUM

1. **Introduction.** Plaintiff Augustus Hebrew Evans, Jr., an inmate at the James T. Vaughn Correctional Center in Smyrna, Delaware, filed this action pursuant to 42 U.S.C. § 1983 asserting constitutional violations and raising supplemental state claims. He appears *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 6). The Second Amended Complaint is the operative pleading. (D.I. 77). Plaintiff renews his request for counsel and Connections Defendants Lezley Sexton, Christine Francis, and Dr. Herman Ellis move for judgment on the pleadings to dismiss the medical negligence claims against them. (D.I. 155, 166).

2. **Request for Counsel.** On December 13, 2019, Plaintiff renewed his request for counsel. (D.I. 155). Plaintiff seeks counsel to assist him with his medical negligence claims. As discussed below, Plaintiff does not oppose the motion for judgment on the pleadings to dismiss medical negligence claims filed by Connections. Therefore, the renewed request for counsel will be denied without prejudice.

3. **Motion for Judgment on the Pleadings.** Connections Defendants move the Court to adopt its ruling in its July 11, 2019 memorandum opinion and order and dismiss all medical negligence claims against them. (D.I. 166). Neither Plaintiff nor Defendants Dr. Anthony Cannuli and Dr Deborah Muscarella filed an opposition to the motion to dismiss the medical negligence claims against the Connections Defendants. (See D.I. 167, 168). Accordingly, the motion will be granted and the medical negligence claims will be dismissed.

4. **Conclusion.** Based upon the above discussion, the Court will: (1) deny without prejudice Plaintiff's request for counsel (D.I. 155); and (2) grant Connections Defendants unopposed motion for judgment on the pleadings to dismiss medical negligence claims against them (D.I. 166). An appropriate order will be entered.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE

April 9, 2020
Wilmington, Delaware

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ORDER

At Wilmington this 9th day of April, 2020, consistent with the Memorandum issued this date;

IT IS HEREBY ORDERED that:

1. Plaintiff's request for counsel (D.I. 155) is **DENIED** without prejudice.
2. The motion for judgment on the pleadings to dismiss the medical negligence claims filed by Defendants Lezley Sexton, Christine Francis, and Dr. Herman Ellis (D.I. 166) is **GRANTED**. The medical negligence claims raised against them are **DISMISSED**.
3. The parties are reminded that this matter is stayed during ongoing settlement negotiations. (See D.I. 165). Motions filed during the stay that are unrelated to the stay and/or settlement negotiations will be docketed but not considered.

/s/ Richard G. Andrews
UNITED STATES DISTRICT JUDGE