

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICHAEL VANKAVELAAR,

Plaintiff

v.

ROBERT MAY, et al.,

Defendants.

C.A. No. 25-843-JLH-LDH

ORDER ADOPTING REPORT & RECOMMENDATION

At Wilmington, this 21st day of August 2026;

WHEREAS, on July 8, 2025, *pro se* Plaintiff Michael Vankavelaar filed a Complaint (D.I. 1) alleging injury related to a fall in a designated accessible shower at Howard R. Young Correctional Institution (“HRYCI”) (*id.* at 1–3);

WHEREAS, on September 8, 2025, upon *sua sponte* review, the Court dismissed the Complaint without prejudice pursuant to 28 U.S.C. § 1915A(b)(2) as Defendant State of Delaware was immune from suit under the Eleventh Amendment (D.I. 10);

WHEREAS, on September 22, 2025, Plaintiff filed an Amended Complaint (D.I. 11) adding Defendant Bureau Chief Robert May and others;

WHEREAS, on February 4, 2026, upon *sua sponte* review, the Court dismissed the Amended Complaint without prejudice pursuant to 28 U.S.C. § 1915A(b) for failure to allege the personal involvement of any of the individual Defendants (D.I. 16);

WHEREAS, on February 20, 2026, Plaintiff filed a Second Amended Complaint (D.I. 18);

WHEREAS, also on February 20, 2026, Plaintiff filed a motion to appoint counsel (D.I. 17);

WHEREAS, on March 10, 2026, the case was referred to Magistrate Judge Laura D. Hatcher pursuant to 28 U.S.C. § 636(b);

WHEREAS, on July 28, 2026, Judge Hatcher issued a Report and Recommendation (“R&R”) recommending the Court dismiss Plaintiff’s Second Amended Complaint (D.I. 18) without prejudice pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A(b) for failure to comply with Fed. R. Civ. P. 8(a)(2), (3), and recommending denying Plaintiff’s motion to appoint counsel (D.I. 17) without prejudice to renew at a later date (D.I. 23);

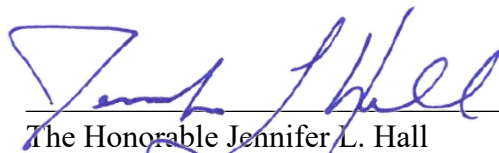
WHEREAS, on August 6, 2026, Plaintiff filed a letter purporting to address the deficiency in the Second Amended Complaint (D.I. 26);

WHEREAS, also on August 6, 2026, Plaintiff filed a *fifth* motion to appoint counsel (D.I. 25);

WHEREAS, no party has filed objections pursuant to Fed. R. Civ. P. 72(b)(2) in the prescribed period, and the Court finds no clear error on the face of the record;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The R&R (D.I. 23) is ADOPTED.
2. Plaintiff’s Second Amended Complaint (D.I. 18) is DISMISSED without prejudice pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A(b). Plaintiff is granted leave to amend within 30 days.
3. Plaintiff’s motion to appoint counsel (D.I. 17) is DENIED without prejudice.
4. This Order is not a determination of the sufficiency of Plaintiff’s Third Amended Complaint (D.I. 26) or his fifth motion to appoint counsel (D.I. 25).


The Honorable Jennifer L. Hall
United States District Judge