



Beasley v. Mehr et al

2024 | Cited 0 times | W.D. Tennessee | February 20, 2024

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

VANTEDEIUS BEASLEY,) Plaintiff,) vs.) No. 1:21-cv-01134-SHM-tmp JOHN MEHR, ET AL.,)
Defendants.)

ORDER MODIFYING THE DOCKET; DISMISSING THE COMPLAINT (ECF NO. 1) WITHOUT
PREJUDICE;

GRANTING LEAVE TO AMEND; AND DIRECTING BEASLEY TO PROVIDE HIS CURRENT
ADDRESS

On September 17, 2021, Plaintiff Vantedeius Beasley filed (1) a pro se complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1) and (2) a motion for leave to proceed in forma pauperis (ECF No. 2). When Beasley filed the complaint, he was confined at the Madison County Jail (the MCJ , in Jackson, Tennessee. (ECF No. 1 at PageID 2.) 1

On September 21, 2021, the Court granted leave to proceed in forma pauperis and assessed the three hundred and fifty dollar (\$350.00) civil filing fee pursuant to the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, et seq. . (ECF No. 4 .) The Court warned Beasley transferred to a different prison or released, he [must] notify the Court immediately, in writing, of

his change of address. If still confined, he shall provide the officials at the new facility with a copy of this Order. If [P]laintiff fails to abide by these or any other requirements of this Order, the Court

1 Although Beasley was confined at the MCJ when filing the complaint, he listed his return address as 575 Desha Drive, Jackson, Tennessee 38301. (See ECF No. 1-1.) may impose appropriate sanctions, up to and including dismissal of this action, without any Id. at PageID 14.) On September 27, 2021, the Office of the Madison County Sheriff informed the Clerk of Court that Beasley is not incarcerated in the [MCJ] whereabouts [are] unknown. (ECF No. 5 at PageID 15.) As of the date of the instant Order, the Information website a (See

<https://foil.app.tn.gov/foil/details.jsp> (last accessed Oct. 16, 2023).)



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The complaint (ECF No. 1) is before the Court. Beasley alleges claims of: (1) unconstitutional conditions of confinement arising from double celling inmates, deprivation of hot water for more than week, confinement in conditions [] sanitary food service, sleeping on a plastic mat on a concrete floor, and inadequate toilet access; (2) failure to protect; (3) deprivation of medical care; and (4) deprivation of recreation. (Id. at PageID 2.) Beasley does not identify the dates of the events and conditions alleged in the complaint. (See id.) Beasley sues two (2) defendants as Madison County government officials : (1) Sheriff John Mehr; and (2) Mayor Scott Conger. (Id. at PageID 2.) Beasley seeks: (1) five million dollars (\$5,000,000) as compensation; and (2) injunctive relief to stop the cruel and unusual punishment , the overcrowding , the festering of black mold , and -19 with inmates that MCJ. (Id. at PageID 3.)

The Clerk is DIRECTED to modify the docket to: (1) remove Government Officials as a Defendant; 2 (2) add Madison

2 Beasley sues (1) Madison County Sheriff John Mehr and (2) City of Jackson Mayor Scott See ECF No. 1 at PageID 1.) The Clerk has inadvertently docketed For the reasons explained below: (1) the complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE; (2) leave to amend is GRANTED; and (3) Beasley is ORDERED to notify the Clerk in writing of Beasley I. LEGAL STANDARD The Court must screen prisoner complaints and dismiss any complaint, or any portion of it, if the complaint

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b); see also 28 U.S.C. § 1915(e)(2)(B). In assessing whether the complaint states a claim on which relief may be granted, the Court applies the standards under Federal Rule of Civil Procedure 12(b)(6), as stated in Ashcroft v. Iqbal, 556 U.S. 662, 677 79 (2009), and in Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 57 (2007). Hill v. Lappin, 630 F.3d 468, 470 71 (6th Cir. 2010). Under those standards, the Court accepts - allegatio Williams v. Curtin, 631 F.3d 380, 383 (6th

Cir. 2011) (quoting Iqbal, 556 U.S. at 681). The Court does not assume that conclusory allegations Iqbal, 556 U.S. at 679. Federal Rule of Civil Procedure 8 provides

statement of the claim showing

Twombly, 550 U.S. at 555 n.3.

phrase Beasley uses to describe the employment positions of Mehr and Conger (see id. at PageID 1-2), as a third Defendant. Courts screening cases accord more deference to pro se complaints than to those drafted Pro se Williams, 631 F.3d at 383

(quoting Martin v. Overton, 391 F.3d 710, 712 (6th Cir. 2004)). Pro se litigants are not exempt from the



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requirements of the Federal Rules of Civil Procedure. *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989); see also *Brown v. Matauszak* 608, 612, 613 (6th Cir. 2011) (affirming dismissal of pro se (quoting *Travelers Life Ins. Co.*, 518 F.2d 1167, 1169 (6th Cir. 1975))).

II. ANALYSIS

Beasley does not allege whether he sues Mehr and Conger in their official or individual capacities. (See ECF No. 1.) The Sixth Circuit requires their pleading that they are suing the state defendants in their individual capacity for damages, not simply in their capacity *Wells*, 891 F.2d at 592. *Northcott v. Plunkett*, 42 F. App'x 795, 796 (6th Cir. 2002) (citing *Wells*, 891 F.2d at 593). The Court construes Beasley and Conger as official capacity claims. Beasley official capacity claims against Mehr are treated as claims against employer at the time the complaint was filed i.e., the County. See *Jones v. Union Cnty.*,

Tennessee, 296 F.3d 417, 421 (6th Cir. 2002) (citing *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994)). Beasley official capacity claims against Conger are treated as claims against employer at the time the complaint was filed i.e., the City. The County may be held liable only if Beasley were sustained pursuant to an unconstitutional custom or policy of the County. The City may be held liable only if Beasley injuries were sustained pursuant to an unconstitutional custom or policy of the City. See *Monell v. Soc. Serv.*, 436 U.S. 658, 691-92 (1978). To demonstrate municipal liability, a plaintiff *Alkire v. Irving*,

330 F.3d 802, 815 (6th Cir. 2003) (citing *Garner v. Memphis Police Dep't*, 8 F.3d 358, 364 (6th Cir. 1993) distinguish acts of the municipality from acts of employees of the municipality, and thereby make clear that municipal *City of St. Louis v. Praprotnik*, 485 U.S. 112, 138 (1988) (quoting *Pembaur v. Cincinnati*, 475 U.S. 469, 479-80 (1986) (emphasis in original)). Beasley does not allege that he has been deprived of a constitutional right because of a policy or custom of the County or the City. Beasley are based on his particular experience of unconstitutional conditions of confinement, failure to protect, deprivation of medical care, and deprivation of recreation at the MCJ. (ECF No. 1 at PageID 2.) Beasley does not state a claim to relief against the County, the City, or Mehr and Conger in their official capacities because Beasley fails to allege facts demonstrating any official policy or custom of the County or the City, much less an unconstitutional policy that injured Beasley.

Beasley, the City, and Mehr and Conger in their official capacities are DISMISSED WITHOUT PREJUDICE for failure to allege facts stating claims to relief. III. AMENDMENT UNDER THE PLRA

The Sixth Circuit has held that a district court may allow a prisoner to amend his complaint to avoid a sua sponte dismissal under the PLRA. *Lucas v. Chalk* 6th Cir. 2019) (citing *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013) e hold, like every other circuit to have reached the issue, that under Rule 15(a) a district court can allow a plaintiff to ; see also *Brown v. R.I.* 4, 5 (1st Cir. 2013) failure to state a



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claim is ordered, some form of notice and an opportunity to cure the deficiencies

end is not required where a deficiency cannot be cured. *Gonzalez-Gonzalez v. United States*, 257 F.3d 31, 37 (1st Cir. 2001) of course, that every sua sponte dismissal entered without prior notice to the plaintiff automatically

must be reversed. If it is crystal clear that ... amending the complaint would be futile, then a sua sponte *Curley v. Perry*, 246 F.3d 1278, 1284 (10th Cir. 2001) with the majority view that sua sponte dismissal of a meritless complaint that cannot be salvaged by amendment comports with due process and does not inf

The Court grants leave to amend the complaint under the conditions set forth below. IV.
CONCLUSION

For the reasons set forth above: A. The complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** in its entirety for failure to allege facts stating a claim to relief. See 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii) and 1915A(b)(1)-(2);

B. Leave to amend the complaint is **GRANTED**. Amended claims must be filed within twenty-one (21) days of the date of this Order. An amended pleading must comply with and plain statement of Beasley complaint and

must be complete in itself without reference to the prior pleadings. Beasley or his counsel must sign the amended complaint, and the text of the amended complaint must allege sufficient facts to support each claim without reference to any extraneous document. Any exhibits must be identified by number in the text of the amended complaint and must be attached to the complaint. All claims alleged in an amended complaint must arise from the facts alleged in the complaint. Each claim for relief must be stated in a separate count and must identify each Defendant sued on that count.

If Beasley fails to file an amended complaint within the time specified, the Court will dismiss the complaint with prejudice and enter judgment. For § 1915(g) analysis, the Court recommends that any such dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). See *Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021). 28 U.S.C. § 1915(g) prevents a court from granting in forma pauperis on 3 or more prior occasions, while incarcerated . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a 28 U.S.C. § 1915(g);

C. The shows that Beasley is no longer confined at the MCJ. Beasley s present address is unclear from the record. Beasley is **ORDERED** to notify the Court in writing, within twenty-one (21) days of the date of this Order, of his current address. If Beasley fails to abide by this or any other provisions of this Order, the Court may impose appropriate sanctions, up to and including dismissal of this



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action, without any additional notice or hearing by the Court. (See also ECF No. 4 at PageID 14 (IFP Order requiring Beasley to notify the Court if Beasley is transferred to a different prison or released)); and

D. The Clerk is DIRECTED to mail a copy of (1) the instant Order and (2) the IFP Order (ECF No. 4) to Beasley at his address of record.

IT IS SO ORDERED, this 20th day of February, 2024. /s/ Samuel H. Mays, Jr. SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

