

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

ArRazzaaq Bey v. Howard County, Indiana, et al.

Bey · No. 1:26-cv-00667-JRO-KMB · Decided May 11, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants ArRazzaaq Bey leave to proceed in forma pauperis but dismisses his § 1983 complaint without prejudice for failure to state a claim. The court concludes that the claims against unnamed defendants and Howard County are deficient, that the challenged prosecutorial actions are immune, and that the complaint is conclusory. The court grants leave to amend by June 11, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Ju R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	May 11, 2026
DOCKET	1:26-cv-00667-JRO-KMB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff moved to proceed in forma pauperis and filed a five-count civil-rights complaint under 42 U.S.C. § 1983. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed the complaint without prejudice for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e)(2)(B), the court applied the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded factual allegations as true and viewing them in the light most favorable to the plaintiff, while disregarding legal conclusions and requiring factual matter sufficient to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- section 1983
- municipal liability
- civil procedure
- due process

PRACTICE AREAS

civil rights

civil procedure

constitutional law

municipal liability

remedies

QUESTIONS PRESENTED

1. Whether the plaintiff qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 against unidentified individual defendants where it alleged no individualized action by those defendants.
3. Whether the complaint stated a municipal-liability claim against Howard County absent allegations that a county policy or custom caused the alleged constitutional injuries.
4. Whether the alleged issuance of a warrant and filing of charging-related documents were protected by absolute prosecutorial immunity.
5. Whether the complaint's conclusory allegations satisfied the plausibility and fair-notice requirements of federal pleading.

HOLDINGS

1. A plaintiff may proceed in forma pauperis when he submits an affidavit demonstrating that he lacks the assets to pay the filing fee, and the plaintiff's motion satisfied that standard.
2. A § 1983 claim against an individual requires allegations of that individual's personal involvement in the constitutional deprivation; because the complaint alleged no individualized action by the unnamed defendants, the claims against them were dismissed.
3. A county cannot be held liable under § 1983 on a respondeat-superior theory for constitutional violations committed by employees; municipal liability requires an unconstitutional county policy or custom that caused the injury.
4. Prosecutors are absolutely immune from § 1983 liability for conduct within the scope of initiating and pursuing a criminal prosecution, including preparation and filing of charging documents and a motion for an arrest warrant.
5. Conclusory allegations that a warrant was based on incorrect court-generated information, without explaining why the information was incorrect or identifying facts connecting defendants to a violation, do not satisfy the plausibility and fair-notice requirements of Rules 8(a)(2) and 12(b)(6).
6. A pro se plaintiff whose complaint is dismissed at an early stage should generally be given an opportunity to amend when amendment may not be futile.

KEY QUOTATIONS

“To survive dismissal, the complaint must ‘contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (Section II)

“Individual liability under § 1983 ... requires personal involvement in the alleged constitutional deprivation.” (Section IV)

“The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” (Section V)

FACTUAL BACKGROUND

Bey alleged that defendants acting under color of state law caused a warrant to issue and imposed a \$10,000 cash-only bond despite his already being in custody, based on allegedly incorrect court-generated information. He characterized the warrant and bond as punitive detention and asserted Fourth, Eighth, and Fourteenth Amendment violations, a state-created-danger theory, and municipal liability. He sought compensatory and punitive damages for loss of liberty, physical and emotional injuries, impairment, lost earning capacity, and future medical expenses.

PROCEDURAL HISTORY

ArRazzaq Bey filed a complaint against Howard County, Indiana, and unidentified county judicial officers, prosecutors, and officials, together with a motion to proceed in forma pauperis. The court granted the motion, screened the complaint, found that the allegations against the unnamed defendants lacked individualized action and that the allegations against the county lacked a policy or custom, and further found that the alleged prosecutorial conduct was protected by absolute immunity. The court dismissed the complaint without prejudice and allowed an amended complaint to be filed by June 11, 2026.

DISPOSITION

dismissed

CASES CITED

- Robbins v. Switzer, 104 F.3d 895, 898 (7th Cir. 1997)
- Denton v. Hernandez, 504 U.S. 25, 34 (1992)
- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Santiago v. Walls, 599 F.3d 749, 756 (7th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Colbert v. City of Chicago, 851 F.3d 649, 657 (7th Cir. 2017)
- Wolf-Lillie v. Sonquist, 699 F.2d 864, 869 (7th Cir. 1983)
- Wudtke v. Davel, 128 F.3d 1057, 1060 (7th Cir. 1997)
- Simpson v. Brown County, 860 F.3d 1001, 1005-06 (7th Cir. 2017)
- Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978)
- Kalina v. Fletcher, 522 U.S. 118, 124, 129 (1997)
- Imbler v. Pachtman, 424 U.S. 409, 410 (1976)
- Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018)

- Tate v. SCR Medical Transportation, 809 F.3d 343, 346 (7th Cir. 2015)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014 (7th Cir. 2013)
- Beal v. Beller, 847 F.3d 897, 901 (7th Cir. 2017)

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