

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, NORTHERN DIVISION

Marlin Vann Martin Rogers v. Dexter Payne, Director, Supervisor,
Arkansas Department of Correction; and Michelle Gray, Warden,
North Central Unit, Arkansas Department of Correction

Rogers v. Payne · No. 3:24-CV-00218-BSM-BBM · Decided December 9, 2025

SUMMARY

This document is a Recommended Disposition from the United States District Court for the Eastern District of Arkansas in Rogers v. Payne, Case No. 3:24-CV-00218-BSM-BBM. The magistrate judge recommends dismissing Marlin Vann Martin Rogers’s pro se prisoner civil-rights complaint without prejudice for failure to state claims involving failure to protect, supervisory corrective inaction, and official-capacity liability. The Recommendation also recommends that the dismissal count as a Prison Litigation Reform Act strike and certifies that an in forma pauperis appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Northern Division
DECIDED	December 9, 2025
DOCKET	3:24-CV-00218-BSM-BBM
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action against Arkansas Department of Correction officials in their individual and official capacities. On screening under the Prison Litigation Reform Act, a United States magistrate judge recommended dismissal without prejudice for failure to state a claim and recommended that the dismissal count as a strike.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint or portion of a complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. At screening, factual allegations are accepted as true and attached documents may be considered. To survive screening, the complaint must contain sufficient factual matter to state a plausible claim for relief.

TOPICS

prisoners rights

cruel and unusual punishment

section 1983

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

§ 1983 litigation

PLRA screening

QUESTIONS PRESENTED

1. Whether Rogers plausibly alleged an Eighth Amendment failure-to-protect claim against Warden Gray based on the December 20, 2023 attack or the later attack at the East Arkansas Regional Unit.
2. Whether Rogers plausibly alleged individual or supervisory liability against Director Payne based on Payne's supervisory position and alleged responsibility for appointing staff.
3. Whether Rogers plausibly alleged supervisory corrective inaction by Gray or Payne based on notice of a pattern of unconstitutional acts.
4. Whether Rogers plausibly alleged an official-capacity claim based on an Arkansas Department of Correction policy, custom, or failure to train.
5. Whether the complaint should be dismissed without prejudice at PLRA screening and counted as a strike under 28 U.S.C. § 1915(g).

HOLDINGS

1. Rogers failed to state a plausible failure-to-protect claim against Warden Gray because he did not allege facts showing that Gray knew of a substantial risk to Rogers before the first attack or knew that Rogers faced such a risk at the facility where the second attack occurred.
2. Rogers failed to state a claim against Director Payne in his individual capacity because the complaint did not allege Payne's personal involvement in a constitutional violation and relied instead on Payne's supervisory position.
3. Rogers failed to state supervisory corrective-inaction claims against Gray and Payne because he did not allege that either supervisor received notice of a pattern of unconstitutional acts by a subordinate.
4. Rogers failed to state official-capacity claims because he did not plausibly allege that an Arkansas Department of Correction policy, custom, or failure to train caused an underlying constitutional violation.
5. The complaint should be dismissed without prejudice for failure to state a claim, and the dismissal should count as a strike under the PLRA.

KEY QUOTATIONS

“To survive pre-service screening under the PLRA, a “complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (Section III)

“The Eighth Amendment requires prison officials to take reasonable measures to guarantee inmate safety by protecting them from attacks by other prisoners.” (Section III.A)

“Because vicarious liability is inapplicable to...§ 1983 suits, a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” (Section III.A)

“Supervisors can incur liability for cruel and unusual punishment in two ways: they can be liable for their personal involvement in a constitutional violation, or when their corrective inaction amounts to deliberate indifference to or tacit authorization of the violative practices.” (Section III.B)

FACTUAL BACKGROUND

Rogers alleged that he was attacked by another inmate at the North Central Unit on December 20, 2023, because security was allegedly unaware of and unresponsive to violence in the barracks. He claimed that Warden Michelle Gray denied his request for protective custody and that he was later transferred to the East Arkansas Regional Unit, where he was attacked again. Rogers alleged that Director Dexter Payne was responsible for appointing staff and employing misconduct, but he did not provide facts showing Payne's personal involvement or notice of a pattern of unconstitutional conduct. He also asserted official-capacity, failure-to-train, and failure-to-supervise theories and sought monetary and other relief.

PROCEDURAL HISTORY

Rogers filed his complaint on November 18, 2024. The court conducted initial screening under 28 U.S.C. § 1915A, identified pleading deficiencies, and granted leave to amend while warning that an amended complaint would supersede the original. Rogers did not amend, so the court screened the original complaint and issued this Recommended Disposition to District Judge Brian S. Miller. The recommendation advised that objections could be filed within fourteen days and that the district judge could adopt it.

DISPOSITION

dismissed

CASES CITED

- In re Atlas Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Reynolds v. Dormire, 636 F.3d 976, 979 (8th Cir. 2011)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 849 (8th Cir. 2014)
- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- Patterson v. Kelley, 902 F.3d 845, 851 (8th Cir. 2018)
- Choate v. Lockhart, 7 F.3d 1370, 1376 (8th Cir. 1993)
- S.M. v. Krigbaum, 808 F.3d 335, 340 (8th Cir. 2015)
- Engesser v. Fox, 993 F.3d 626, 631 (8th Cir. 2021)

- *Atkinson v. City of Mountain View, Mo.*, 709 F.3d 1201, 1214 (8th Cir. 2013)
- *Mitchell v. Saint Louis Cnty., Missouri*, 2025 WL 3483903, at *8 (8th Cir. Dec. 4, 2025)
- *Jackson v. Buckman*, 756 F.3d 1060, 1067 n.3 (8th Cir. 2014)

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