

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Rev Gerald Kiner v. Shelby County Government, et al.

Kiner · No. 2:25-cv-02622-TLP-atc · Decided February 18, 2026

SUMMARY

The United States District Court for the Western District of Tennessee adopted a magistrate judge’s Report and Recommendation and dismissed Gerald Kiner’s complaint against Shelby County Government and other defendants. The court held that Kiner lacked standing to assert injuries arising from the rejection of an organization’s contract proposal, denied his temporary restraining order as moot, and dismissed the complaint with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	February 18, 2026
DOCKET	2:25-cv-02622-TLP-atc
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation after Plaintiff filed objections to the recommendation that the County's motion to dismiss be granted and the complaint dismissed.
STANDARD OF REVIEW	Specific objections to the Report and Recommendation were reviewed de novo; the remainder was reviewed for clear error.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Rev Gerald Kiner v. Shelby County Government, Travis Green, Dr. Michelle Taylor, James Gloster, Shelby County Board of Commissioners, John and Jane Does 1-10

TOPICS

- standing
- motions to dismiss
- subject matter jurisdiction
- civil procedure
- civil rights

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether Kiner had Article III standing to assert claims based on the County's rejection of a contract proposal submitted by Daughters of Zion.
2. Whether Kiner could represent Daughters of Zion in federal court as a non-attorney.
3. Whether the district court should adopt the magistrate judge's Report and Recommendation and dismiss the complaint with prejudice.
4. Whether Kiner's motion for a temporary restraining order should be denied as moot after dismissal.

HOLDINGS

1. Kiner lacked standing because the alleged injury was suffered by Daughters of Zion, not by Kiner individually, and he alleged no injury separate and distinct from the organization's injury.
2. To the extent Kiner sought to represent Daughters of Zion, he could not do so as a non-attorney.
3. Dismissal with prejudice was appropriate because Kiner's standing defects could not be cured by amendment.

KEY QUOTATIONS

"A plaintiff must establish three elements to demonstrate standing: injury in fact, causation and redressability." (PageID 707)

"It follows that any injury to that proposal belongs to the organization, not Plaintiff himself." (PageID 709)

"The Court therefore GRANTS the County's Motion to Dismiss, DENIES Plaintiff's Temporary Restraining Order as MOOT, and DISMISSES his Complaint WITH PREJUDICE." (Conclusion)

FACTUAL BACKGROUND

Shelby County solicited proposals for community violence and intervention services in February 2024. Kiner submitted a proposal on behalf of the Daughters of Zion organization, but the County rejected it and selected another organization. Kiner sued in his individual capacity, alleging that the rejection violated constitutional and statutory rights and seeking relief that would effectively award the County contract to Daughters of Zion. The court concluded that the alleged injury belonged to the organization and that Kiner alleged no separate and distinct personal injury.

PROCEDURAL HISTORY

Kiner sued Shelby County Government and other defendants, asserting constitutional, federal statutory, and state-law claims arising from the County's rejection of a proposal submitted by the Daughters of Zion organization. The County moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and Kiner moved for a temporary restraining order. Magistrate Judge Annie T. Christoff recommended dismissal for

lack of standing and denial of the temporary restraining order as moot. After Kiner objected, the district court reviewed the specific objection de novo, reviewed the remainder of the R&R for clear error, adopted the R&R, granted the motion to dismiss, denied the temporary restraining order as moot, and dismissed the complaint with prejudice.

DISPOSITION

dismissed

CASES CITED

- Dabrowski v. Tubular Metal Systems, LLC, 722 F. Supp. 3d 766, 771 (E.D. Mich. 2024)
- Murr v. United States, 2004 F.3d 895, 902 n.1 (6th Cir. 2000)
- Spencer v. Bouchard, 449 F.3d 721, 725 (6th Cir. 2006)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Jones v. Bock, 549 U.S. 199 (2007)
- Solomon v. Michigan Dep't of Corr., 478 F. App'x 318, 320 (6th Cir. 2012)
- Slater v. Potter, 28 F. App'x 512, 513 (6th Cir. 2002)
- Carter v. Mitchell, 829 F.3d 455, 472 (6th Cir. 2016)
- Thomas v. Arn, 474 U.S. 140, 147, 154 (1985)
- Howard v. Sec'y of Health & Hum. Servs., 932 F.2d 505, 509 (6th Cir. 1991)
- Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Gerber v. Herskovitz, 14 F.4th 500, 505 (6th Cir. 2021)
- Warth v. Seldin, 422 U.S. 490, 498 (1975)
- Fox v. Saginaw Cnty, 67 F.4th 284, 292 (6th Cir. 2023)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016)
- B. & V. Distrib. Co. v. Dottore Companies, LLC, 278 F. App'x 480, 487 n.6 (6th Cir. 2008)
- Thomas v. B.B.B., 79 F. App'x 748, 748 (6th Cir. 2003)
- Nicholson v. Ticketmaster, 42 F. App'x 696, 697 (6th Cir. 2002)
- Bradley v. United States, 402 F. Supp. 3d 398, 403 (N.D. Ohio 2019)
- Canderm Pharmacal, Ltd. v. Elder Pharms., Inc., 862 F.2d 597, 602-603 (6th Cir. 1988)
- Gaff v. Fed. Deposit Ins. Corp., 814 F.2d 311, 315 (6th Cir. 1987), modified at 933 F.2d 400 (6th Cir. 1991)
- Zanecki v. Health Alliance Plan of Detroit, 576 F. App'x 594, 595 (6th Cir. 2014)
- Stanley v. W. Mich. Univ., 105 F.4th 856, 867 (6th Cir. 2024)
- Last Minute Cuts, LLC v. Biddle, No. 18-2631, 2019 WL 6222280, at *2 (W.D. Tenn. Oct. 18, 2019), report and recommendation adopted, No. 18-2631, 2019 WL 6219544 (W.D. Tenn. Nov. 21, 2019)

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