

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Tony Tremayne Lewis v. Jeff Zmuda, et al.

Case No. 25-3271-JWL (D. Kan. Jan. 16, 2026) · No. 25-3271-JWL · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Kansas ordered prisoner-plaintiff Tony Tremayne Lewis to show cause why his § 1983 complaint should not be dismissed and permitted him to file an amended complaint. The court addressed claims concerning prison disciplinary proceedings, conditions of confinement, retaliation, grievances, discovery, and commissary restrictions, identifying statute-of-limitations and pleading deficiencies. The document is a memorandum and order to show cause, not a final dismissal decision.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 16, 2026
DOCKET	25-3271-JWL
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a pro se prisoner's complaint under 28 U.S.C. § 1915A and ordered him to show cause why the action should not be dismissed. The court also allowed him to file an amended complaint and denied his motion for appointment of counsel without prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or any portion of it that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In assessing failure to state a claim, the court liberally construes a pro se complaint, accepts well-pleaded allegations as true, and applies the plausibility standard under Twombly.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tony Tremayne Lewis v. Jeff Zmuda, Philip Marley, Shawn Chastain, Alexander Owens, Cody Austin, Larry Johnson, Kansas Department of Corrections, other named defendants

TOPICS

prisoners rights

section 1983

statute of limitations

civil procedure

motions to dismiss

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Counts I and II were barred by Kansas's two-year statute of limitations.
2. Whether the disciplinary-hearing claims were also repetitious or failed to state a due process claim.
3. Whether the allegations concerning failure to protect and housing conditions stated an Eighth Amendment claim.
4. Whether allegations concerning grievance responses, commissary restrictions, transfers, shower time, mirrors, television, and envelopes stated constitutional claims.
5. Whether the complaint adequately pleaded retaliation under § 1983.
6. Whether the claims and defendants were improperly joined under Federal Rules of Civil Procedure 18 and 20.
7. Whether appointment of counsel was warranted in the civil § 1983 action.

HOLDINGS

1. Counts I and II appeared barred by Kansas's two-year statute of limitations because the alleged disciplinary violations occurred in December 2022 and Lewis knew of them by January 11, 2023, while the complaint was filed on December 12, 2025.
2. A prisoner complaint must be dismissed at screening when it is frivolous, malicious, fails to state a plausible claim, or seeks monetary relief from an immune defendant.
3. The allegations concerning the challenged cells, missing amenities, short duration of placement, and related conditions did not plausibly allege a sufficiently serious deprivation or deliberate indifference.
4. Lewis had no constitutional right to dictate the facility or classification in which he was housed, absent facts showing an atypical and significant hardship.
5. Dissatisfaction with grievance responses, failure to answer grievances, or failure to investigate grievances does not itself state a constitutional violation when a grievance procedure exists and was used.
6. Lewis's retaliation allegations were insufficient because they were conclusory and did not allege specific facts showing protected activity, a chilling injury, and a retaliatory motive that was the but-for cause of the adverse action.
7. An amended complaint may join multiple claims against one defendant and additional defendants only when the Rule 20(a)(2) transaction-or-occurrence and common-question requirements are satisfied.
8. Appointment of counsel was not warranted at this stage and the motion was denied without prejudice.

KEY QUOTATIONS

“To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.”

“The Eighth Amendment does not outlaw cruel and unusual ‘conditions’; it outlaws cruel and unusual ‘punishments.’”

“Plaintiff does not have a constitutional right to dictate where he is housed, whether it is which facility or which classification within a facility.”

“Unrelated claims against different defendants belong in different suits.”

FACTUAL BACKGROUND

Lewis, an incarcerated Kansas prisoner, alleged constitutional violations arising from disciplinary proceedings, housing conditions, transfers, retaliation, grievance responses, commissary restrictions, and access to materials at the El Dorado Correctional Facility and Hutchinson Correctional Facility. The disciplinary proceedings underlying Counts I and II occurred in December 2022, although the complaint characterized them as occurring in December 2023, and Lewis acknowledged learning of the alleged violations by January 11, 2023. He also alleged that prison officials failed to protect him from a cellmate, placed him in allegedly inferior cells, restricted property and privileges, and failed to respond favorably to grievances.

PROCEDURAL HISTORY

Lewis filed a § 1983 complaint on December 12, 2025, concerning events at Kansas correctional facilities. The court granted leave to proceed in forma pauperis and conducted statutory screening. It concluded that the pleaded claims appeared time-barred, insufficiently pleaded, repetitious, constitutionally deficient, or improperly joined, but gave Lewis until February 17, 2026, to show cause or file a complete amended complaint. The motion for appointment of counsel was denied without prejudice.

DISPOSITION

other

CASES CITED

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Northington v. Jackson, 973 F.2d 1518, 1523 (10th Cir. 1992)
- Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Hardin v. Straub, 490 U.S. 536, 539 (1989)
- Brown v. Unified Sch. Dist. 501, Topeka Pub. Sch., 465 F.3d 1184, 1188 (10th Cir. 2006)
- Fratus v. Deland, 49 F.3d 673, 674-75 (10th Cir. 1995)
- Lewis v. Zmuda, Case No. 23-3236-JWL, Doc. 6, at 17-20 (D. Kan. Nov. 17, 2023)

- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- McBride v. Deer, 240 F.3d 1287, 1291 (10th Cir. 2001)
- Martinez v. Garden, 430 F.3d 1302, 1304 (10th Cir. 2005)
- Wilkinson v. Austin, 545 U.S. 209, 221-24 (2005)
- Meachum v. Fano, 427 U.S. 215, 225, 228-29 (1976)
- Sawyer v. Jefferies, 315 F. App'x 31, 34 (10th Cir. 2008)
- Templeman v. Gunter, 16 F.3d 367, 369 (10th Cir. 1994)
- Schell v. Evans, 550 F. App'x 553, 557 (10th Cir. 2013)
- Cardoso v. Calbone, 490 F.3d 1194, 1197-98 (10th Cir. 2007)
- Bell v. Wolfish, 441 U.S. 520, 547-48 (1979)
- Gray v. GEO Group, Inc., No. 17-6135, 2018 WL 1181098, at *6 (10th Cir. Mar. 6, 2018)
- Von Halley v. Clements, 519 F. App'x 521, 523-24 (10th Cir. 2013)
- Boyd v. Werholtz, 443 F. App'x 331, 332 (10th Cir. 2011)
- Smith v. Maschner, 899 F.2d 940, 947, 949-50 (10th Cir. 1990)
- Shero v. City of Grove, 510 F.3d 1196, 1203 (10th Cir. 2007)
- Frazier v. Dubois, 922 F.2d 560, 562 n.1 (10th Cir. 1990)
- Baughman v. Saffle, 24 F. App'x 845, 848 (10th Cir. 2001)
- Winkle v. Hammond, 601 F. App'x 754, 754-55 (10th Cir. 2015)
- McWilliams v. State of Colo., 121 F.3d 573, 574 (10th Cir. 1997)
- Davis v. Bacon, 234 F. App'x 872, 874 (10th Cir. 2007)
- Zhu v. Countrywide Realty Co., Inc., 160 F. Supp. 2d 1210, 1225 (D. Kan. 2001)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Nasious v. City & County of Denver Sheriff's Dept., 415 F. App'x 877, 881 (10th Cir. 2011)
- Carper v. DeLand, 54 F.3d 613, 616 (10th Cir. 1995)
- Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir. 2006)
- Rachel v. Troutt, 820 F.3d 390, 396 (10th Cir. 2016)
- Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991)
- Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)

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