

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE

Howard J. Atkins v. David Sutton, et al.

No. 3:25-cv-115 · No. 3:25-cv-115 · Decided January 2, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee screened Howard J. Atkins’s pro se 42 U.S.C. § 1983 complaint alleging that Tennessee Department of Correction officials transferred him in retaliation for filing and prevailing in lawsuits. The court allowed First Amendment retaliation claims to proceed against the defendants in their individual and official capacities, but dismissed official-capacity claims for money damages on sovereign-immunity grounds.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	January 2, 2026
DOCKET	3:25-cv-115
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a pro se prisoner's in forma pauperis complaint under the Prison Litigation Reform Act.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A, construing the pro se allegations liberally and accepting factual allegations as true unless entirely incredible.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; persuasive rather than binding outside the case.
PARTIES	Howard J. Atkins v. David Sutton, Linda R. Thomas, Unknown T.D.O.C. Employee(s)

TOPICS

[section 1983](#) [prisoners rights](#) [first amendment](#) [sovereign immunity](#) [civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a colorable First Amendment retaliation claim under 42 U.S.C. § 1983 based on Atkins's prison transfer after filing and prevailing in lawsuits.
2. Whether the alleged transfer was sufficiently adverse to support a First Amendment retaliation claim.
3. Whether Atkins's official-capacity claims for money damages were barred by Eleventh Amendment sovereign immunity.
4. Whether official-capacity claims seeking injunctive relief could proceed against TDOC officials.

HOLDINGS

1. The complaint stated viable First Amendment retaliation claims against the defendants in their individual and official capacities based on the alleged retaliatory transfer.
2. The alleged transfer to Trousdale Turner Correctional Center was capable of deterring a person of ordinary firmness from continuing to engage in protected conduct and therefore could constitute adverse action.
3. The defendants were immune from Atkins's claims for money damages in their official capacities because those claims were treated as claims against TDOC, an arm of the State of Tennessee.
4. Atkins's official-capacity claims seeking injunctive relief were properly before the court and were allowed to proceed.

KEY QUOTATIONS

“A reasonable jury could conclude that a transfer to TTCC is capable of deterring a person of ordinary firmness from continuing to engage in protected conduct such as filing a lawsuit.” (Section II.C)

“The court’s determination that the complaint states a colorable claim for purposes of this initial screening does not preclude the court from dismissing any claim at any time for reasons set forth in 28 U.S.C. § 1915(e)(2), nor does it preclude Defendant from filing a motion to dismiss under Federal Rule of Civil Procedure 12.” (Section III)

FACTUAL BACKGROUND

Atkins, an inmate, was transferred from the Northeast Correctional Complex to the Trousdale Turner Correctional Center on September 5, 2024, shortly after prevailing in a Tennessee Department of Correction Board of Claims action and on the day of the final hearing in another successful lawsuit against TDOC. He alleged that the transfer was retaliatory and caused him to lose employment, educational opportunities, law-library access, and regular religious services, while exposing him to worse conditions, including reduced recreation and pervasive violence, drugs, fumes, and secondhand smoke. He alleged that TDOC officials David Sutton, Linda Thomas, and unidentified employees recommended, ordered, or facilitated the transfer.

PROCEDURAL HISTORY

Atkins filed a verified complaint under 42 U.S.C. § 1983 alleging that Tennessee Department of Correction officials transferred him in retaliation for filing and prevailing in two lawsuits. He also filed a motion to ascertain the status of the case. The district court granted that motion insofar as it conducted the required PLRA screening, allowed the First Amendment retaliation claims to proceed, and dismissed the official-capacity claims for money damages on sovereign-immunity grounds.

DISPOSITION

other

CASES CITED

- United States v. Smotherman, 838 F.3d 736, 739 (6th Cir. 2016)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Thomas v. Eby, 481 F.3d 434, 437 (6th Cir. 2007)
- Denton v. Hernandez, 504 U.S. 25, 33 (1992)
- Haines v. Kerner, 404 U.S. 519, 520-521 (1972)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)
- McDonald v. Hall, 610 F.2d 16, 19 (1st Cir. 1979)
- Dominguez v. Correctional Medical Services, 555 F.3d 543, 549 (6th Cir. 2009)
- Sigley v. City of Panama Heights, 437 F.3d 527, 533 (6th Cir. 2006)
- Monell v. Department of Social Services, 436 U.S. 658, 690 n.55 (1978)
- Primm v. Tennessee Department of Correction, No. 3:15-cv-00230, 2017 WL 1210066, at *5 (M.D. Tenn. Mar. 31, 2017)
- Owens v. O'Toole, No. 3:14-cv-02040, 2014 WL 5846733, at *3 (M.D. Tenn. Nov. 12, 2014)
- Carter v. Bell, No. 3:10-0058, 2010 WL 3491160, at *4 (M.D. Tenn. Sept. 1, 2010)
- Arauz v. Bell, No. 3:06-0901, 2007 WL 2457474, at *2 (M.D. Tenn. Aug. 24, 2007)
- Hall v. Trump, No. 3:19-cv-00628, 2020 WL 1061885, at *2 (M.D. Tenn. Mar. 5, 2020)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 n.10 (1989)
- Hill v. Lappin, 630 F.3d 468, 472-474 (6th Cir. 2010)
- Thaddeus-X v. Blatter, 175 F.3d 378, 394, 398 (6th Cir. 1999) (en banc)
- Maben v. Thelen, 887 F.3d 252, 264 (6th Cir. 2018)
- Herron v. Harrison, 203 F.3d 410, 415 (6th Cir. 2000)
- John Joseph Katrochvil, Case No. 3:24-cv-01042 (M.D. Tenn. filed Aug. 20, 2024) (Doc. No. 13 at 5 & n.2)