

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION

Mack Mitchell v. Unknown Schott, et al.

Mitchell v. Schott · No. 1:25-cv-00121-SNLJ · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri dismissed without prejudice Mack Mitchell’s amended pro se complaint under 28 U.S.C. § 1915(e)(2) for failure to state a claim. The court held that allegations concerning HIV exposure after an attack by another detainee did not establish deliberate indifference to an objectively serious medical need, and that the claims against Ste. Genevieve County and for First Amendment retaliation were insufficiently pleaded. The court denied as moot the motion to proceed without prepayment of filing fees and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
WRITING FOR THE COURT	Stephen N. Limbaugh, Jr.
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	March 4, 2026
DOCKET	1:25-cv-00121-SNLJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial review of a self-represented plaintiff's amended in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), the court considered whether the pleading stated claims under 42 U.S.C. § 1983 for deliberate indifference to medical needs, municipal liability, and First Amendment retaliation.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), an in forma pauperis complaint must be dismissed if it is frivolous, malicious, or fails to state a claim. The court applies the plausibility standard under Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal, accepts well-pleaded facts as true, gives a pro se complaint liberal construction, and does not assume facts that were not pleaded.
PRECEDENTIAL VALUE	unpublished

TOPICS

section 1983

prisoners rights

civil procedure

fourteenth amendment

first amendment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

medical-care claims

municipal liability

QUESTIONS PRESENTED

1. Whether Mitchell alleged an objectively serious medical need and deliberate indifference based on the alleged HIV exposure from the detainee's bite.
2. Whether Ste. Genevieve County could be held liable under § 1983 based on placing an HIV-positive detainee in Mitchell's unit or allegedly failing to provide appropriate HIV-exposure policies, training, or supervision.
3. Whether alleged threats of lockdown if Mitchell pursued criminal charges stated a First Amendment retaliation claim under § 1983.

HOLDINGS

1. Mitchell failed to state a deliberate-indifference claim because he did not plausibly allege an objectively serious medical need. His allegations described a bite that broke the skin but did not allege severe bite trauma, extensive tissue damage, bleeding, or a need for medical treatment, and his subjective belief that he faced substantial HIV exposure did not satisfy the objective component.
2. Mitchell failed to state a municipal-liability claim against Ste. Genevieve County because he did not identify an official policy, unofficial custom, or deliberately indifferent failure to train or supervise that caused a constitutional violation. The alleged placement of an HIV-positive detainee in the unit, without additional facts showing a constitutionally cognizable risk or prior violence, did not itself establish a constitutional violation.
3. Mitchell failed to state a First Amendment retaliation claim because he did not allege any actual injury or harm resulting from the alleged threats that he would be placed in lockdown if he pursued criminal charges.

KEY QUOTATIONS

“A “serious medical need is one that has been diagnosed by a physician as requiring treatment, or one that is so obvious that even a layperson would easily recognize the necessity for a doctor’s attention.””

“The risks associated with having HIV-positive prisoners in the general population do not necessarily violate other prisoners’ Eighth Amendment rights.”

FACTUAL BACKGROUND

Mitchell was a pretrial detainee at the Ste. Genevieve Detention Center when another detainee, alleged to be HIV-positive, attacked him by scratching, biting, and punching him. Mitchell alleged that detention staff did not immediately provide medical treatment or an HIV test, although staff later took him for blood testing and advised that the initial test was too early and that he should return later. He also alleged that two defendants threatened him with lockdown if he pursued criminal charges against the attacking detainee, but he did not allege that he suffered any injury from the threats.

PROCEDURAL HISTORY

Mitchell filed an original complaint concerning an alleged attack by an HIV-positive detainee, alleged denial of medical care, and handling of legal mail. The court previously found the complaint subject to dismissal but granted leave to amend and instructed Mitchell to plead specific facts concerning each defendant. After reviewing the amended complaint, the court dismissed it without prejudice for failure to state a claim and denied the renewed motion to proceed without prepayment of fees and costs as moot.

DISPOSITION

dismissed

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 328 (1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Haines v. Kerner*, 404 U.S. 519, 520 (1972)
- *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015)
- *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980)
- *Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004)
- *McNeil v. United States*, 508 U.S. 106, 113 (1993)
- *Morris v. Zefferi*, 601 F.3d 805, 809 (8th Cir. 2010)
- *Hartsfield v. Colburn*, 371 F.3d 454, 457 (8th Cir. 2004)
- *Grayson v. Ross*, 454 F.3d 802, 808 (8th Cir. 2006)
- *Morris v. Craddock*, 954 F.3d 1055, 1058 (8th Cir. 2020)
- *Estelle v. Gamble*, 429 U.S. 97, 103 (1976)
- *Dulany v. Carnahan*, 132 F.3d 1234, 1237-38 (8th Cir. 1997)
- *Roberts v. Kopel*, 917 F.3d 1039, 1042 (8th Cir. 2019)
- *Hamner v. Burls*, 937 F.3d 1171, 1177 (8th Cir. 2019)
- *Hall v. Ramsey Cty.*, 801 F.3d 912, 920 (8th Cir. 2015)
- *Jackson v. Buckman*, 756 F.3d 1060, 1065 (8th Cir. 2014)
- *Coleman v. Rahija*, 114 F.3d 778, 784 (8th Cir. 1997)
- *Redmond v. Kosinski*, 999 F.3d 1116, 1120 (8th Cir. 2021)

- Kulkay v. Roy, 847 F.3d 637, 643 (8th Cir. 2017)
- Barton v. Taber, 908 F.3d 1119, 1124 (8th Cir. 2018)
- Vaughn v. Lacey, 49 F.3d 1344, 1346 (8th Cir. 1995)
- Davis v. Buchanan County, Missouri, 11 F.4th 604, 624 (8th Cir. 2021)
- Gibson v. Weber, 433 F.3d 642, 646 (8th Cir. 2006)
- Long v. Nix, 86 F.3d 761, 765 (8th Cir. 1996)
- Mick v. Raines, 883 F.3d 1075, 1079 (8th Cir. 2018)
- Marsh v. Phelps Cty., 902 F.3d 745, 751 (8th Cir. 2018)
- Robbins v. Clarke, 946 F.2d 1331, 1334 (8th Cir. 1991)
- Irving v. Dormire, 519 F.3d 441, 448 (8th Cir. 2008)