

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, PADUCAH DIVISION

Timmathy Moore v. Homes, et al.

Moore v. Homes, No. 5:25-CV-00174-JHM (W.D. Ky. June 26, 2026) · No. 5:25-CV-00174-JHM · Decided
June 26, 2026

SUMMARY

The United States District Court for the Western District of Kentucky conducts initial review under 28 U.S.C. § 1915A of a pro se prisoner’s § 1983 complaint. The court allows Eighth Amendment excessive-force claims against Sergeants Homes and Butlin in their individual capacities to proceed, while dismissing the remaining claims and defendants for failure to state a claim, immunity, or unavailable relief. The court directs the Clerk to terminate McCalstr, Vone, Luwrow, and Plaprd as parties and states that a separate service and scheduling order will issue.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Paducah Division
WRITING FOR THE COURT	Joseph H. McKinley, Jr.
JURISDICTION	United States District Court for the Western District of Kentucky, Paducah Division
DECIDED	June 26, 2026
DOCKET	5:25-CV-00174-JHM
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a pro se prisoner's 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A.
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. For failure to state a claim, the court applies the plausibility standard, views the complaint in the light most favorable to the plaintiff, accepts well-pleaded factual allegations as true, and disregards bare legal conclusions.
PRECEDENTIAL VALUE	Unknown; memorandum opinion and order issued on initial prisoner-complaint screening.

PARTIES

Timmathy Moore v. Homes, Butlin, McCalstr, Vone, Luwrow, Plaprd

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

civil rights

eleventh amendment immunity

PRACTICE AREAS

Civil rights

Prisoner civil rights

Constitutional law

Federal courts

Section 1983 litigation

QUESTIONS PRESENTED

1. Whether Moore stated an Eighth Amendment excessive-force claim against Homes and Butlin.
2. Whether Moore's official-capacity claims for damages and injunctive relief were cognizable under § 1983.
3. Whether Moore stated claims based on threats, prison grievance handling, alleged misuse of state property, segregation conditions, failure to protect, denial of medical care, or supervisory inaction.
4. Whether Moore could obtain release from prison or release from a restitution order through § 1983.

HOLDINGS

1. Moore adequately stated Eighth Amendment excessive-force claims for damages against Homes and Butlin in their individual capacities based on allegations that they slammed him and that Homes used chemical spray.
2. Claims for damages against state officials in their official capacities are not cognizable under § 1983 because the officials are not persons for purposes of such a claim and are protected by Eleventh Amendment immunity.
3. A state prisoner may not obtain release from confinement or release from a restitution order through a § 1983 action when the requested relief challenges the fact or duration of confinement or its equivalent.
4. A prisoner has no constitutional right to an effective or unfettered prison grievance procedure; therefore, allegations that officials failed to submit, investigate, or respond to grievances do not state a § 1983 claim.
5. Verbal threats or harassment by prison officials, even when accompanied by brandishing OC spray or a taser, do not by themselves rise to the level of an Eighth Amendment violation.
6. Conclusory allegations and naked assertions without supporting material facts fail to state a plausible § 1983 claim.
7. A supervisor is not liable under § 1983 merely because of supervisory status, awareness of alleged misconduct, or failure to investigate, discipline, or remedy subordinate conduct; liability requires encouragement of the specific misconduct or direct participation.

KEY QUOTATIONS

“To survive dismissal for failure to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (Section II)

“Section 1983 creates no substantive rights but merely provides remedies for deprivations of rights established elsewhere.” (Section III)

“There must be a showing that the supervisor encouraged the specific incident of misconduct or in some other way directly participated in it.” (Section III.B.5)

FACTUAL BACKGROUND

Moore, a convicted prisoner at Kentucky State Penitentiary, alleged that Sergeants Homes and Butlin slammed him, causing an injury requiring five stitches, and that Homes sprayed him with chemical spray. He also alleged threats, interference with grievances, unsafe and restrictive conditions, denial of medical care, and supervisory inaction by other prison officials. He sought damages, release from prison, restitution, and an order requiring a lung scan.

PROCEDURAL HISTORY

Moore filed a prisoner civil-rights action against Kentucky State Penitentiary personnel in their individual and official capacities. On initial review, the court dismissed the official-capacity claims, the claims against McCalstr, Vone, Luwrow, and Plaprd, and the claims based on threats, grievances, conclusory allegations, and supervisory liability. The court allowed Eighth Amendment excessive-force claims for damages against Homes and Butlin in their individual capacities to proceed and directed that a separate service and scheduling order be entered.

DISPOSITION

other

CASES CITED

- McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)
- Jones v. Bock, 549 U.S. 199 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Tackett v. M & G Polymers, USA, LLC, 561 F.3d 478, 488 (6th Cir. 2009)
- Gunasekera v. Irwin, 551 F.3d 461, 466 (6th Cir. 2009)
- Columbia Natural Resources, Inc. v. Tatum, 58 F.3d 1101, 1109 (6th Cir. 1995)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)
- McDonald v. Hall, 610 F.2d 16, 19 (1st Cir. 1979)
- Flint ex rel. Flint v. Kentucky Department of Corrections, 270 F.3d 340, 351 (6th Cir. 2001)
- Gomez v. Toledo, 446 U.S. 635, 640 (1980)

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Christy v. Randlett, 932 F.2d 502, 504 (6th Cir. 1991)
- Kentucky v. Graham, 473 U.S. 159, 166, 169 (1985)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 691 n.55 (1978)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Witten v. Schafer, No. 5:23CV-P34-JHM, 2023 WL 5193772, at *1-2 (W.D. Ky. Aug. 11, 2023)
- Thornton v. Sevier County Jail, No. 3:23-CV-191-CLC-JEM, 2023 WL 4707133, at *7 (E.D. Tenn. July 24, 2023)
- Walker v. Michigan Department of Corrections, 128 F. App'x 441, 445 (6th Cir. 2005) (per curiam)
- Argue v. Hofmeyer, 80 F. App'x 427, 430 (6th Cir. 2003)
- LaFlame v. Montgomery County Sheriff's Department, 3 F. App'x 346, 348 (6th Cir. 2001)
- Zein v. Canup, No. 5:24-CV-P196-JHM, 2025 WL 565844, at *3 (W.D. Ky. Feb. 20, 2025)
- Watison v. Perry, No. 23-5059, 2024 WL 3461194, at *2 (6th Cir. Feb. 15, 2024)
- Richmond v. Settles, 450 F. App'x 448, 455 (6th Cir. 2011)
- Taylor v. Michigan Department of Corrections, 69 F.3d 76, 80-81 (6th Cir. 1995)
- Bellamy v. Bradley, 729 F.2d 416, 421 (6th Cir. 1984)
- Leary v. Daeschner, 349 F.3d 888, 903 (6th Cir. 2003)
- Spirdione v. Washington, No. 2:22-CV-11018, 2022 WL 1557373, at *2 (E.D. Mich. May 17, 2022)
- Walker v. Norris, 917 F.2d 1449, 1457 (6th Cir. 1990)