

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

Eric Busey v. Sarah Womack, et al.

No. 4:26-cv-21-CMS (E.D. Mo. May 5, 2026) · No. No. 4:26-cv-21-CMS · Decided May 5, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants Eric Busey’s application to proceed in forma pauperis and assesses an initial partial filing fee of \$2.64. The court denies his motion for appointment of counsel without prejudice and directs him to file an amended complaint connecting each defendant to the alleged violations of his religious dietary rights. The court warns that failure to file an amended complaint within 30 days will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Cristian M. Stevens
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 5, 2026
DOCKET	No. 4:26-cv-21-CMS
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a civil-rights action, an application to proceed in forma pauperis, and a motion for appointment of counsel. On initial review, the court granted in forma pauperis status, denied appointment of counsel without prejudice, and allowed plaintiff to file an amended complaint because the original complaint did not connect the defendants to the alleged religious-diet violations.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis complaint that is frivolous, malicious, or fails to state a claim. The court applies the facial-plausibility standard of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal, assumes the truth of well-pleaded factual allegations, and liberally construes a self-represented litigant's complaint while not supplying facts or excusing failure to comply with procedural rules.

PRECEDENTIAL VALUE	unpublished
PARTIES	Eric Busey v. Sarah Womack, M. Martin, et al.

TOPICS

pleadings prisoners rights civil rights motion to amend civil procedure

PRACTICE AREAS

civil procedure prisoner civil rights religious-liberty claims in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim for relief under the applicable federal pleading standards when it alleged general criticisms of prison food services but did not connect either defendant to the alleged religious-diet violations.
2. Whether plaintiff should be granted leave to file an amended complaint identifying each defendant's personal involvement and complying with Rules 8 and 10 of the Federal Rules of Civil Procedure.
3. Whether plaintiff was entitled to appointment of counsel at this stage of the civil action.
4. Whether plaintiff was entitled to proceed in forma pauperis and what initial partial filing fee was required under 28 U.S.C. § 1915(b)(1).

HOLDINGS

1. The complaint failed to state a claim because it contained only general criticisms of food services and did not allege facts connecting either defendant to the alleged religious violations.
2. The court allowed plaintiff to file an amended complaint within thirty days and required the amendment to identify the factual basis for each defendant's liability and comply with Rules 8 and 10.
3. Appointment of counsel was denied without prejudice because plaintiff had not yet presented a nonfrivolous claim and the case appeared factually and legally straightforward.
4. Plaintiff was granted leave to proceed without prepaying costs or fees and was assessed an initial partial filing fee of \$2.64.

KEY QUOTATIONS

“A claim has facial plausibility when the pleaded factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”

“A court issues a preliminary injunction in a lawsuit to preserve the status quo and prevent irreparable harm until the court has an opportunity to rule on the lawsuit’s merits.”

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case”

FACTUAL BACKGROUND

Plaintiff, a state prisoner held at Eastern Reception Diagnostic and Correctional Center in Missouri, alleged that prison food-service personnel violated his religious dietary rights by providing food that was opened, placing peanut butter in small containers, and failing to have a rabbi bless the food. He identified Sarah Womack and M. Martin as defendants but did not allege specific acts or omissions connecting either defendant to the alleged violations. Plaintiff sought monetary relief, kosher meals, kosher-certified food-service workers, and other control over the religious-diet program.

PROCEDURAL HISTORY

Plaintiff filed the action on January 6, 2026, alleging violations of his religious dietary rights, followed by a supplement invoking RLUIPA and mentioning a preliminary injunction. The court reviewed the complaint under 28 U.S.C. § 1915(e)(2), found that it failed to state claims against the named defendants because it contained only general criticisms of food services, and granted leave to amend within thirty days. The court also granted in forma pauperis status, assessed an initial partial filing fee of \$2.64, and denied the motion for appointment of counsel without prejudice.

DISPOSITION

other

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, 663, 678-79 (2009)
- *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)
- *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015)
- *Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004)
- *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980)
- *McNeil v. United States*, 508 U.S. 106, 113 (1993)
- *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994)
- *In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005)
- *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014)
- *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997)
- *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013)
- *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998)
- *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018)
- *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006)