

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Jermaine D. Laster v. Charles Evans, et al.

Laster · No. 25-609-CFC · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Delaware dismissed Jermaine D. Laster’s amended § 1983 complaint for failure to state a claim. The court concluded that allegations concerning verbal threats, grievance-related conduct, labeling as a snitch, and alleged negligence did not establish actionable constitutional violations. The dismissal was without prejudice, and Laster was granted one final opportunity to file a second amended complaint by January 30, 2026.

CASE DETAILS

COURT	United States District Court for the District of Delaware
JURISDICTION	United States District Court for the District of Delaware
DECIDED	January 5, 2026
DOCKET	25-609-CFC
DISPOSITION	dismissed
PROCEDURAL POSTURE	On sua sponte screening of a pro se prisoner’s amended complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), the court dismissed the amended complaint without prejudice for failure to state a claim and granted one final opportunity to amend.
STANDARD OF REVIEW	The court accepted the alleged facts as true, drew all reasonable inferences in Plaintiff’s favor, and reviewed whether the amended complaint, liberally construed, stated a plausible claim. The complaint was also subject to mandatory screening for frivolousness, maliciousness, failure to state a claim, and claims seeking monetary relief from immune defendants under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
PRECEDENTIAL VALUE	Unpublished memorandum order; precedential status not stated in the opinion.

TOPICS

- section 1983
- prisoners rights
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

Section 1983 litigation

QUESTIONS PRESENTED

1. Whether the amended complaint stated a plausible claim under 42 U.S.C. § 1983 against Defendant Palo based on an alleged threat made during the grievance process.
2. Whether the amended complaint stated a plausible § 1983 claim against Defendant Evans based on an alleged statement referring to Plaintiff as a snitch and the denial of a grievance form.
3. Whether the amended complaint stated a plausible § 1983 claim against Defendant Seymore based on alleged threats, failure to review camera footage after an assault, and related conduct.
4. Whether the amended complaint should be dismissed under the prisoner-screening provisions for failure to state a claim.

HOLDINGS

1. Allegations of verbal abuse, threatening language, or gestures by prison personnel, without more, do not state an actionable claim under 42 U.S.C. § 1983.
2. Negligence, standing alone, is insufficient to establish liability under 42 U.S.C. § 1983.
3. The amended complaint failed to state a claim under § 1983 against Defendants Evans, Palo, and Seymore.

KEY QUOTATIONS

“Verbal abuse of a prisoner, even of the lewd variety, is not actionable under 42 U.S.C. § 1983”; likewise, “allegations that prison personnel have used threatening language and gestures are not cognizable claims under § 1983.” (Discussion § A)

“the amended complaint fails to state claims against Defendants Evans, Palo, and Seymore.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff, a state prisoner at Sussex Correctional Institution, alleged that correctional officials made threatening or derogatory statements, denied or impeded access to grievance procedures, transferred him within the institution, and failed to take action after another inmate punched him. The amended complaint attributed statements and conduct to Defendants Anthony Palo, Charles Evans, and David Seymore. The court found that the alleged threats and statements were not sufficiently connected to actionable constitutional injury, and that Seymore's alleged failure to review camera footage amounted at most to negligence.

PROCEDURAL HISTORY

The court previously screened and dismissed Plaintiff's original complaint for failure to state a claim. Plaintiff filed an amended complaint, but the court concluded that it did not cure the deficiencies as to Defendants Evans, Palo, and Seymore. The amended complaint was dismissed without prejudice, with leave to file a second amended complaint by January 30, 2026.

DISPOSITION

dismissed

CASES CITED

- Shorter v. United States, 12 F.4th 366, 374 (3d Cir. 2021)
- Robinson v. Danberg, 729 F. Supp. 2d 666, 679 (D. Del.)
- Daniels v. Williams, 474 U.S. 327, 331-34 (1986)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE
JERMAINE D. LASTER,) Plaintiff, V.. Civ. No. 25-609-CFC CHARLES EVANS, e¢ ai.,
Defendants. MEMORANDUM ORDER Pro se Plaintiff Jermaine D. Laster, currently serving a
sentence for a state criminal conviction at Sussex Correctional Institution (SCI) in Georgetown,
Delaware, has filed an amended complaint.

(D.I. 13.) The amended complaint is subject to the Court’s sua sponte review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. See 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b).

The Court accepts the facts alleged as true, draws all reasonable inferences in Plaintiffs favor, and asks only whether the amended complaint, liberally construed, contains facts sufficient to state a plausible claim. See Shorter v. United States, 12 F.4th 366, 374 (3d Cir. 2021). 1. DISCUSSION
The Court assumes familiarity with the August 19, 2025 Memorandum Order (D.I.

8), which screened the original complaint (D.I. 3) and dismissed it for failure to state a claim. Upon review and consideration, the Court finds that the amended complaint (D.I. 8) does not cure the deficiencies in the original complaint (D.I. 3).

Accordingly, the amended complaint will also be dismissed for failure to state a claim. Plaintiff will be given one last opportunity to file a second amended complaint stating a claim upon which the Court may grant relief. A. Defendant Anthony Palo The original complaint failed to suggest a § 1983 claim against Defendant Anthony Palo because it merely alleged that Defendant Palo was involved in transferring Plaintiff from A- to B-Quad.

(See D.I. 8 at 4-5.) The amended complaint now asserts that Defendant Palo “advised [Plaintiff] during [Plaintiff s] grievance procedure [that Defendant Palo] would e[n]sure [Plaintiffs] stay would be hard at [SCI].” (D.I. 13 at 2.) Without condoning the foregoing, more is needed to suggest a § 1983 claim. “Verbal abuse of a prisoner, even of the lewd variety, is not actionable under 42 U.S.C. § 1983”; likewise, “allegations that prison personnel have used threatening

language and gestures are not cognizable claims under § 1983.” Robinson v. Danberg, 729 F. Supp. 2d 666, 679 (D.

Del. 2010). Plaintiff will be granted one final opportunity to amend the claim above to explain the following: (1) whether Plaintiff believed that Defendant Palo was threatening him because he had filed a grievance, and if so, what specifically caused Plaintiff to believe this; (2) whether Defendant Palo “made good” on his threat in any way, and if so, specifically how; and (3) what impact this had, if any, on how Plaintiff navigated the grievance process and handled other grievable incidents.

B. Defendant Charles Evans The original complaint failed to suggest a § 1983 claim against Defendant Charles Evans because, as discussed above, a mere threat by correctional officer to an inmate does not suggest a § 1983 claim. (See D.I. 8 at 5.) Further, Defendant Evans’ denial of a grievance form did not suggest a § 1983 claim without more. *id.* at 6.) Additionally, Defendant Evans’ statements regarding the facts underlying Plaintiff’s criminal conviction did not appear to incite others to harm Plaintiff, such as when an inmate is labeled a snitch or sex offender.

(See *id.* at 5-6.) The amended complaint newly alleges that, during the heated exchanged between Defendant Evans and Plaintiff on March 8, 2025, when Plaintiff asked for a grievance form, Defendant Evans responded, “why so you could (snitch) on me [sic].” (D.I. 13 at 2.) More is needed to suggest a § 1983 claim. Plaintiff will be granted a final opportunity to amend the claim above to explain the following: (1) whether Plaintiff believes that Defendant Evans’ statement above caused Plaintiff to be labeled as a snitch, and if so, what specifically has caused Plaintiff to believe this; and (2) whether Plaintiff believes Defendant Evans’ statement incited others to harm Plaintiff, and if so, what specifically occurred.

C. Defendant David Seymore Third, the Court found that the original complaint failed to suggest a § 1983 claim against Defendant David Seymore because it merely alleged that Defendant Seymore, like Defendant Palo, was involved in transferring Plaintiff from A- to B- Quad. (See D.I. 8 at 4-5.)

The amended complaint now asserts that Defendant Seymore told Plaintiff, “[Y]eah[,] I know [Defendant Evans] said some fucked up shit to you[,] but we are all human,” which Plaintiff believed to be a threat. (D.I. 13 The foregoing suggests no discernable threat, and even if it was threatening, that would not be enough to suggest a § 1983 claim, as discussed above.

See Robinson, 729 F. Supp. 2d at 679. The amended complaint also asserts that Plaintiff was punched by another inmate, and Defendant Seymore “told [Plaintiff] he would review the camer[a] footage to no avail[;] nothing was done.” (D.I. 13 at 2.) This new allegation suggests negligence on Defendant Seymore’s part, at most, which is not sufficient for § 1983 liability generally.

See *Daniels v. Williams*, 474 U.S. 327, 331-34 (1986). Additionally, the amended complaint asserts that Defendant Seymore scheduled two correctional officers “to pull [Plaintiff] for [his] visit with mental health and medical staff’ after Plaintiff was punched by another inmate. (D.I. 13 at 3.) This suggests that Defendant Seymore was responsive to Plaintiff reporting that he had been punched by another inmate.

Based on the allegations in the original and amended complaints, further amendment appears futile for claims asserted against Defendant Seymore. II. CONCLUSION In sum, the amended complaint fails to state claims against Defendants Evans, Palo, and Seymore.

In an abundance of caution, Plaintiff will be granted one final opportunity to amend his pleading and cure its deficiencies, in accordance with this Memorandum Order. Based on the foregoing, it is HEREBY ORDERED that the amended complaint (D.I. 13) is DISMISSED, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i), 1915A(b)(1), without prejudice to Plaintiff filing a second amended complaint on or before January 30, 2026.

January 5, 2026 (Ue Au ee / Lewef Judge