

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

Cates v. Kentucky State Penitentiary, et al.

Cates · No. 5:25-CV-P210-JHM · Decided March 23, 2026

SUMMARY

The United States District Court for the Western District of Kentucky conducts initial review under 28 U.S.C. § 1915A of Austin Tyler Cates's pro se § 1983 complaint. The court permits claims involving retaliation, excessive force, deliberate indifference to medical needs, and failure to protect to proceed against certain defendants in their individual capacities, while dismissing claims against the Kentucky State Penitentiary, the Kentucky Department of Corrections, and official-capacity claims for monetary damages. The court also grants leave to file a second amended complaint and directs that a separate service and scheduling order be entered.

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	March 23, 2026
DOCKET	5:25-CV-P210-JHM
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se prisoner's 42 U.S.C. § 1983 complaint, amended complaint, and second amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court construed the pro se pleadings liberally, viewed the allegations in the light most favorable to the plaintiff, accepted factual allegations as true, and dismissed claims that were frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant.
PRECEDENTIAL VALUE	Unpublished district-court memorandum opinion and order; persuasive but not binding beyond the case.

PARTIES

Austin Tyler Cates v. Kentucky State Penitentiary, Kentucky Department of Corrections, Cookie Crews, Laura Plappert, Justin Horne, Cortez Butler

TOPICS

section 1983 prisoners rights first amendment cruel and unusual punishment
eleventh amendment immunity

PRACTICE AREAS

prisoner civil rights constitutional law civil procedure sovereign immunity constitutional torts

QUESTIONS PRESENTED

1. Whether the court should grant leave to file a second amended complaint before service of the defendants.
2. Whether the Kentucky State Penitentiary and Kentucky Department of Corrections are subject to suit under 42 U.S.C. § 1983 and whether the Eleventh Amendment bars claims against them.
3. Whether official-capacity claims for monetary damages against Kentucky officials may proceed under § 1983.
4. Whether the allegations stated actionable individual-capacity claims for First Amendment retaliation, Eighth Amendment excessive force, deliberate indifference to medical needs, and deliberate indifference to a substantial risk of serious harm or failure to protect.
5. Whether the allegations that supervisory defendants failed to respond to grievances, failed to train, or were responsible for subordinates' conduct stated § 1983 supervisory-liability claims.

HOLDINGS

1. Leave to file the second amended complaint was granted because the defendants had not yet been served and the court found amendment appropriate under Federal Rule of Civil Procedure 15(a)(2).
2. The claims against the Kentucky State Penitentiary and Kentucky Department of Corrections were dismissed because state agencies are not persons subject to suit under § 1983 and are protected by Eleventh Amendment immunity.
3. The official-capacity claims for monetary damages against the Kentucky officials were dismissed because such claims are treated as claims against the Commonwealth, and state officials sued in their official capacities for monetary damages are not persons subject to suit under § 1983.
4. The First Amendment retaliation and Eighth Amendment excessive-force claims against Butler were allowed to proceed.
5. The Eighth Amendment deliberate-indifference-to-medical-needs claim and excessive-force claim against Horne were allowed to proceed.

6. The claims against Plappert and Crews based solely on their failure to respond to grievances, letters, or reports were dismissed because prisoners have no constitutional right to an effective prison grievance procedure.
7. The claims against Plappert and Crews based solely on supervisory status, responsibility for staff training, awareness of misconduct, or failure to discipline were dismissed.
8. The Eighth Amendment claims alleging deliberate indifference to a substantial risk of serious harm or failure to protect were allowed to proceed against Plappert and Crews in their individual capacities.

KEY QUOTATIONS

“The grant or denial of leave to amend is within the discretion of the trial court, and review is for abuse of discretion.”

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

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

FACTUAL BACKGROUND

Cates, an inmate at the Kentucky State Penitentiary, alleged that Sergeant Cortez Butler sprayed approximately 4.5 ounces of O.C. vapor into his cell to confiscate a suicide-resistant blanket and did so in retaliation for Cates's prior § 1983 lawsuit. He alleged that Lieutenant Justin Horne later refused medical decontamination after the chemical exposure and, on another occasion, tased him while he was fully restrained. Cates further alleged that Warden Laura Plappert and Commissioner Cookie Crews knew of excessive-force risks involving KSP staff, failed to train or protect him, and failed to respond to his complaints.

PROCEDURAL HISTORY

Cates initiated a prisoner civil-rights action against the Kentucky State Penitentiary, the Kentucky Department of Corrections, and several state officials. Before service, he moved to amend and filed a document styled as a first amended complaint. The court denied the first motion as moot, granted leave to file a second amended complaint, considered all three pleadings together, allowed specified individual-capacity claims to proceed, and dismissed the claims against the state agencies and official-capacity claims for monetary damages.

DISPOSITION

other

CASES CITED

- Security Ins. Co. of Hartford v. Kevin Tucker & Assocs., Inc., 64 F.3d 1001, 1008 (6th Cir. 1995)
- Roth Steel Prod. v. Sharon Steel Corp., 705 F.2d 134, 155 (6th Cir. 1983)
- Brumbalough v. Camelot Care Centers, Inc., 427 F.3d 996, 1001 (6th Cir. 2005)

- Coe v. Bell, 161 F.3d 320, 341-42 (6th Cir. 1998)
- Prater v. City of Burnside, Ky., 289 F.3d 417, 424 (6th Cir. 2002)
- Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Matthews v. Jones, 35 F.3d 1046, 1049 (6th Cir. 1994)
- Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 144-46 (1993)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 119-24 (1984)
- Alabama v. Pugh, 438 U.S. 781, 781-82 (1978)
- Whittington v. Milby, 928 F.2d 188, 193-94 (6th Cir. 1991)
- Quern v. Jordan, 440 U.S. 332, 341 (1979)
- Russell v. Lundergan-Grimes, 784 F.3d 1037, 1046 (6th Cir. 2015)
- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- Monell v. N.Y.C. Dep't of Soc. Servs., 436 U.S. 658, 691 n.55 (1978)
- Walker v. Mich. Dep't of Corr., 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 Cnty. Sheriff's Dep't, 3 F. App'x 346, 348 (6th Cir. 2001)
- Shehee v. Luttrell, 199 F.3d 295, 300 (6th Cir. 1999)
- Salehpour v. Univ. of Tenn., 159 F.3d 199, 206 (6th Cir. 1998)
- Taylor v. Mich. Dep't of Corr., 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)
- Harvey v. Campbell Cnty., 453 F. App'x 557, 563 (6th Cir. 2011)
- Phillips v. Roane Cnty., 534 F.3d 531, 543-44 (6th Cir. 2008)
- Flannigan v. Daughtery, No. 3:22-CV-428-DCLC-DCP, 2024 WL 3588792, at *3 (E.D. Tenn. July 30, 2024)
- Penman v. Correct Care Sols., LLC, No. 5:18-CV-00058 (TBR), 2022 WL 696913, at *20 (W.D. Ky. Mar. 8, 2022)
- Hollis v. Erdos, No. 1:19-CV-436, 2020 WL 2395567 (S.D. Ohio May 12, 2020)
- Burke v. Thompson, No. 5:15-CV-00007-TBR, 2016 WL 2587212, at *8 (W.D. Ky. May 4, 2016)
- Young v. Campbell Cnty., Ky., 846 F. App'x 314, 321 (6th Cir. 2021)