

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Austin Edward Lightfeather v. Matthew Pavey and Cody Miller,
Corporal

No. 8:23CV214 (D. Neb. Dec. 22, 2025) · No. 8:23-cv-00214 · Decided December 22, 2025

SUMMARY

The United States District Court for the District of Nebraska conducted an initial review of Austin Edward Lightfeather’s amended prisoner civil-rights complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A. The court dismissed claims for injunctive relief and speculative future damages, dismissed Matthew Pavey as a defendant, and allowed Lightfeather’s Eighth Amendment failure-to-protect claim against Corporal Cody Miller to proceed. The court also directed service of process by the United States Marshals Service and denied a pending motion seeking unrelated relief.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	M. Gerrard
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 22, 2025
DOCKET	8:23-cv-00214
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a prisoner's amended complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b).
STANDARD OF REVIEW	At initial review, the court must dismiss a prisoner or in forma pauperis complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court liberally construes a pro se complaint and accepts well-pleaded factual allegations as true for purposes of screening, but the complaint must allege facts sufficient to state a legally cognizable claim and must satisfy plausibility pleading standards.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Austin Edward Lightfeather v. Matthew Pavey, Cody Miller, Corporal

TOPICS

prisoners rights

cruel and unusual punishment

section 1983

service of process

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

§ 1983 litigation

service of process

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated an Eighth Amendment failure-to-protect claim against Corporal Miller.
2. Whether Lightfeather could obtain injunctive relief against defendants sued only in their individual capacities.
3. Whether Lightfeather could recover compensatory damages for a possible future death or other injury that had not occurred.
4. Whether the complaint stated a claim for available relief against inmate Matthew Pavey.
5. Whether the court could grant the unrelated relief requested in Lightfeather's pending motion, including criminal charges, release from incarceration, removal from a sex-offender registry, and creation of a federal holiday.

HOLDINGS

1. The amended complaint plausibly stated an Eighth Amendment failure-to-protect claim against Corporal Miller, and that claim could proceed to service of process.
2. Lightfeather failed to state a claim for the requested injunctive relief because he sued the defendants in their individual capacities and did not allege that either defendant had authority to provide the requested prospective relief.
3. Lightfeather could not recover compensatory damages for a possible future death or other injury that had not occurred; those requests were dismissed as frivolous or for failure to state a claim.
4. Matthew Pavey was dismissed without prejudice because Lightfeather did not seek any available relief against him.
5. The court denied Lightfeather's motion seeking relief in unrelated cases and relief unavailable in this § 1983 action.

KEY QUOTATIONS

“ “[W]hen prison officials are alleged to have conspired to murder an inmate for their own personal (as opposed to institutional or penological) purposes . . . , those allegations, if proved at trial, would suffice to show that the defendants were ‘deliberately indifferent’ to the safety of the plaintiff.” ” (Section IV.B)

“Plaintiff has alleged sufficient facts to state an Eighth Amendment claim upon which relief may be granted against Corporal Miller in his individual capacity, and this matter will proceed on that claim alone.”
(Conclusion)

FACTUAL BACKGROUND

Lightfeather, an inmate at the Nebraska Department of Correctional Services Reception and Treatment Center, alleged that inmate Matthew Pavey and Corporal Cody Miller conspired to have him murdered. He claimed Miller accepted or participated in a \$5,000 murder-for-hire arrangement, offered another inmate \$100 to stab him, and passed a sharp object through a cell hatch while Lightfeather was housed in a nearby unit. After Lightfeather protested and threatened self-harm, Miller and another staff member moved him to a different cell and placed him on suicide watch; Lightfeather alleged that the threat remained active and that officials denied his requests for protective custody or separation from Pavey.

PROCEDURAL HISTORY

Lightfeather filed a pro se § 1983 complaint and supplements concerning alleged threats to his safety at the Nebraska Department of Correctional Services. The court previously found that he failed to state a claim but granted leave to amend. After the case was reassigned following Judge Bataillon's recusal, the court reviewed the amended complaint and permitted an Eighth Amendment failure-to-protect claim against Corporal Miller to proceed, while dismissing Matthew Pavey and claims seeking injunctive relief and speculative future-death damages without prejudice.

DISPOSITION

other

CASES CITED

- Lightfeather v. McSwine, No. 8:22-cv-00238-JFB-PRSE (D. Neb.)
- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848-49 (8th Cir. 2014)
- Hopkins v. Saunders, 199 F.3d 968, 973 (8th Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 569-70 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- DuBose v. Kelly, 187 F.3d 999, 1002 (8th Cir. 1999)
- Hines v. Smith, No. 16-CV-3797, 2018 WL 7050674, at *3 (D. Minn. Dec. 20, 2018)
- Greenwalt v. Indiana Department of Corrections, 397 F.3d 587, 589 (7th Cir. 2005)
- Brown v. Montoya, 662 F.3d 1152, 1161 n.5 (10th Cir. 2011)
- Hafer v. Melo, 502 U.S. 21, 30 (1991)
- Wolfe v. Strankman, 392 F.3d 358, 360 n.2 (9th Cir. 2004)
- Gardner v. Minnesota, No. 16-CV-03999-JNE-KMM, 2019 WL 1084714, at *14 (D. Minn. Jan. 15, 2019)
- Lyon v. Farrier, 727 F.2d 766, 768 (8th Cir. 1984)
- Shaheen v. HSBC Bank, 283 F.R.D. 344, 349-50 (E.D. Mich. 2012)
- Royal v. Kautzky, 375 F.3d 720, 723 (8th Cir. 2004)

- Robinson v. Carson, No. 8:23CV137, 2023 WL 6880153, at *3 n.9 (D. Neb. Oct. 18, 2023)
- Naucke v. City of Park Hills, 284 F.3d 923, 929 (8th Cir. 2002)
- Irving v. Dormire, 519 F.3d 441, 447-49 (8th Cir. 2008)
- Arnold v. Groose, 109 F.3d 1292, 1296, 1298 (8th Cir. 1997)
- Jensen v. Clarke, 73 F.3d 808, 810 (8th Cir. 1996)
- Carter v. Husker Auto Grp. & Mfr., No. 8:23CV218, 2024 WL 5047844, at *3 (D. Neb. Dec. 9, 2024)
- Markham v. Tolbert, No. 22-CV-0187, 2022 WL 17819354, at *11 n.1 (D. Minn. Dec. 20, 2022)
- Memphis Community School District v. Stachura, 477 U.S. 299, 305-07 (1986)
- Morris-Bey v. Semi-Unknown St. Louis Metro. City Police Officers, No. 4:07-CV-1814, 2009 WL 724010, at *3 (E.D. Mo. Mar. 13, 2009)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Hulbin v. White, No. CV 19-174-P, 2020 WL 13724233, at *1 (W.D. La. Apr. 14, 2020)
- Linda R.S. v. Richard D., 410 U.S. 614, 617 (1973)
- Yanko v. United States, 127 Fed. Cl. 682, 685 (2016), aff'd, 869 F.3d 1328 (Fed. Cir. 2017)
- Wright v. First Student, Inc., 710 F.3d 782, 783 (8th Cir. 2013)
- Moore v. Jackson, 123 F.3d 1082, 1085 (8th Cir. 1997)
- Beyer v. Pulaski County Jail, 589 F. App'x 798 (8th Cir. 2014) (unpublished)
- Graham v. Satkoski, 51 F.3d 710, 713 (7th Cir. 1995)