

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Disean Graham v. C/O E. Felty, et al.

Graham · No. 1:25-cv-464 · Decided December 30, 2025

SUMMARY

This Report and Recommendation addresses a pro se prisoner’s 42 U.S.C. § 1983 claims against employees of the Southern Ohio Correctional Facility. The magistrate judge recommends dismissing the Complaint with prejudice for failure to state a claim, concluding that the alleged conditions of confinement, retaliation, cell search, disciplinary report, grievance handling, and isolated mail interference did not establish constitutional violations. The recommendation also advises denying the plaintiff’s motions for temporary restraining orders as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Karen L. Litkovitz
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	December 30, 2025
DOCKET	1:25-cv-464
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 reviewed sua sponte under the Prison Litigation Reform Act, together with two motions for a temporary restraining order. The magistrate judge recommends dismissal of the complaint with prejudice for failure to state a claim and denial of the TRO motions as moot.
STANDARD OF REVIEW	At PLRA screening, the court construes a pro se complaint liberally, accepts well-pleaded factual allegations as true, construes them in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. Frivolous, malicious, legally insufficient, or immunity-barred claims must be dismissed under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Disean Graham v. C/O E. Felty, C/O Cassidy, C/O Stidham, C/O Ruggles, K. Parker, J. Kinner, Wellman, Dunlap, C. Davis

TOPICS

section 1983 prisoners rights cruel and unusual punishment first amendment due process

PRACTICE AREAS

civil rights constitutional law prisoner litigation civil procedure injunctive relief

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible Eighth Amendment conditions-of-confinement claim based on unsanitary conditions, denial of outdoor exercise, denial of showers and hygiene items, and denial of a mattress.
2. Whether the complaint stated a plausible First Amendment retaliation or grievance-related claim.
3. Whether the complaint stated a Fourth Amendment claim based on a search of a prison cell.
4. Whether the complaint stated a Fourteenth Amendment due-process claim based on an allegedly false conduct report and removal of a suicide blanket.
5. Whether the complaint stated a First Amendment legal-mail claim based on a single alleged incident of mail interference.
6. Whether the defendants could be held liable under § 1983 based solely on supervisory status or failure to act.
7. Whether the motions for a temporary restraining order should be denied as moot and because they raised issues outside the complaint.

HOLDINGS

1. The complaint fails to state claims against the warden, mailroom supervisor, and officer identified only as a partner because it does not allege their personal involvement, and respondeat superior does not provide a basis for § 1983 liability.
2. The alleged temporary unsanitary conditions, thirteen-day denial of outdoor exercise, showers and hygiene items, and mattress deprivation do not plausibly constitute objectively sufficiently serious deprivations under the Eighth Amendment.
3. The complaint fails to state a plausible First Amendment retaliation or grievance-related claim because it alleges only conclusory retaliatory motive and does not identify a sufficiently adverse, causally connected action.
4. The complaint fails to state a Fourth Amendment claim based on the search of Graham's prison cell because an incarcerated person has no legitimate expectation of privacy in the cell.
5. The complaint fails to state a due-process claim based on a false conduct report or removal of the suicide blanket because it alleges neither an effect on the duration of confinement nor an atypical and significant

hardship.

6. A single alleged incident in which legal mail was given to the wrong inmate does not plausibly establish unconstitutional interference with legal mail absent allegations of routine interference.
7. The TRO motions should be denied as moot following the recommended dismissal of the complaint and, independently, because they seek relief concerning electronic-tablet interference outside the scope of the complaint.

KEY QUOTATIONS

“The objective component requires Plaintiff to show that the alleged harm was “objectively, sufficiently serious” and denied him “the minimal civilized measure of life's necessities.”” (Analysis § B)

“A prisoner seeking to establish a First Amendment retaliation claim must show that (1) he was engaged in protected conduct; (2) the defendant took an adverse action that was capable of deterring a person of “ordinary firmness from continuing to engage in that conduct”; and (3) “the adverse action was motivated at least in part by the [prisoner’s] protected conduct.”” (Analysis § C)

“An incarcerated person has no reasonable expectation of privacy in his prison cell.” (Analysis § D)

“Plaintiff’s Complaint (Doc. 1) be DISMISSED with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) for failure to state a claim upon which relief can be granted.” (IT IS THEREFORE RECOMMENDED THAT)

FACTUAL BACKGROUND

Graham alleged that he spent three or four days in a restrictive-housing cell with an unflushed toilet containing urine and feces, and thirteen days without a mattress, outdoor exercise, personal-hygiene items, cleaning supplies, or a shower. He alleged that prison officials ignored complaints about those conditions, that he was scheduled for transfer to an undesirable housing unit, and that he subsequently engaged in self-harm behavior. He also alleged that an officer issued false conduct reports, searched his cell and removed a suicide blanket, failed to respond to grievances, and on one occasion gave legal mail to the wrong inmate.

PROCEDURAL HISTORY

Graham, an inmate at the Southern Ohio Correctional Facility, filed a pro se § 1983 complaint against nine prison officials and sought monetary and injunctive relief. The court granted leave to proceed in forma pauperis and conducted mandatory screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). This Report and Recommendation recommends dismissal of all claims and denial of the two TRO motions; the text does not show a subsequent district-judge adoption order.

DISPOSITION

dismissed

CASES CITED

- Fishman v. Williams, No. 14-cv-4823, 2016 WL 11484591, at *7 (C.D. Cal. Sept. 21, 2016)
- Martin v. Overton, 391 F.3d 710, 712 (6th Cir. 2004)
- Frengler v. General Motors, 482 F. App'x 975, 977 (6th Cir. 2012)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 662, 678 (2009)
- Wingo v. Tennessee Department of Correction, 499 F. App'x 453, 455 (6th Cir. 2012) (per curiam)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Shehee v. Luttrell, 199 F.3d 295, 300 (6th Cir. 1999)
- Farmer v. Brennan, 511 U.S. 825, 832, 834-37, 842, 846 (1994)
- Rhodes v. Chapman, 452 U.S. 337, 347-49 (1981)
- Taylor v. Riojas, 592 U.S. 7, 7-8 (2020)
- Flanory v. Bonn, 604 F.3d 249, 254 (6th Cir. 2010)
- Hill v. Lappin, 630 F.3d 468, 472 (6th Cir. 2010)
- Thaddeus-X v. Blatter, 175 F.3d 378, 394, 398 (6th Cir. 1999) (en banc)
- Harbin v. Rutter, 420 F.3d 571, 580 (6th Cir. 2005)
- Hudson v. Palmer, 468 U.S. 517, 530 (1984)
- Sandin v. Conner, 515 U.S. 472, 484, 487 (1995)
- Jackson v. Hamlin, 61 F. App'x 131, 132 (6th Cir. 2003)
- Edelstein v. Flottman, No. 24-3156, 2025 WL 609487, at *3 (6th Cir. Jan. 10, 2025)
- Hendricks v. Hazzard, No. 2:11-cv-399, 2013 WL 2635729, at *3 (S.D. Ohio June 12, 2013)
- McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997)

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