

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

Steven Gunn v. Mrs. Bublitz, et al.

Gunn · No. 4:25-cv-00212-SEP · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri dismissed Steven Gunn’s 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915A for failure to state a claim. The court held that Gunn’s two-month placement in administrative segregation did not implicate a protected liberty interest under the Due Process Clause and denied his pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Sarah E. Pitlyk
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	December 19, 2025
DOCKET	4:25-cv-00212-SEP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner brought an action under 42 U.S.C. § 1983 alleging Fourteenth Amendment due process violations arising from a prison disciplinary classification hearing and resulting administrative segregation. The district court conducted initial screening under 28 U.S.C. § 1915A and dismissed the complaint without prejudice for failure to state a claim.
STANDARD OF REVIEW	On initial review under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint against the government if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. To survive review, a complaint must plead a plausible claim for relief, accepting factual allegations as true but not legal conclusions or conclusory recitals.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order with no published reporter citation.

TOPICS

due process prisoners rights section 1983 civil procedure

PRACTICE AREAS

civil procedure constitutional law civil rights prisoner litigation remedies

QUESTIONS PRESENTED

1. Whether Gunn's two-month placement in administrative segregation deprived him of a protected liberty interest sufficient to trigger Fourteenth Amendment due process protections.
2. Whether Gunn stated a due process claim based on the alleged failure to provide a fair and impartial hearing, assistance in preparing a defense, or proof beyond a reasonable doubt.
3. Whether Gunn's motions for in forma pauperis status, appointment of counsel, an evidentiary hearing, and discovery should be granted after dismissal of the complaint.

HOLDINGS

1. A prisoner's placement in administrative segregation does not implicate a protected liberty interest absent facts showing an atypical and significant hardship in relation to the ordinary incidents of prison life. Gunn's alleged two-month placement did not establish such a deprivation, so the due process protections he claimed were not applicable.
2. Because Gunn failed to allege deprivation of a protected liberty interest, the procedures used at the classification hearing could not support a due process claim. The complaint therefore failed to state a claim upon which relief could be granted.
3. Because the administrative classification hearing was not a criminal prosecution, Gunn was not entitled to the full array of constitutional rights afforded to criminal defendants, including the criminal beyond-a-reasonable-doubt standard.

KEY QUOTATIONS

“Prisoners do have a protected liberty interest in avoiding conditions of confinement that impose an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.””

“Because Plaintiff's placement in administrative segregation did not violate a protected liberty interest, due process protections are not applicable to the classification hearing.”

“Plaintiffs claims are DISMISSED without prejudice for failure to state a claim upon which relief may be granted.”

FACTUAL BACKGROUND

A correctional officer found a cell phone taped beneath a desk drawer in Gunn's prison cell. Gunn alleged that he did not know about the phone and that his cellmate admitted sole responsibility. After a classification hearing, prison officials found Gunn guilty on the theory that the phone was in a shared common area and placed him in

administrative segregation for two months. Gunn alleged that the hearing was not fair or impartial and that he was not provided assistance in preparing a defense or physical evidence such as fingerprints.

PROCEDURAL HISTORY

Steven Gunn alleged that Missouri Eastern Correctional Center officials improperly found him guilty of possessing a contraband cell phone and placed him in administrative segregation for two months. The district court determined that the alleged segregation did not deprive Gunn of a constitutionally protected liberty interest and dismissed the complaint without prejudice under 28 U.S.C. § 1915A(b)(1). Gunn's motions to proceed in forma pauperis, appoint counsel, obtain an evidentiary hearing, and conduct discovery were denied as moot.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Barton v. Taber, 820 F.3d 958, 964 (8th Cir. 2016)
- Brown v. Green Tree Servicing LLC, 820 F.3d 371, 372-73 (8th Cir. 2016)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- 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)
- Williams v. Hobbs, 662 F.3d 994, 1000 (8th Cir. 2011)
- Phillips v. Norris, 320 F.3d 844, 846-47 (8th Cir. 2003)
- Beaulieu v. Ludeman, 690 F.3d 1017, 1047 (8th Cir. 2012)
- Singleton v. Cecil, 155 F.3d 983, 987 (8th Cir. 1998)
- Sandin v. Conner, 515 U.S. 472, 484-87 (1995)
- Wycoff v. Nichols, 94 F.3d 1187, 1190 (8th Cir. 1996)
- Hemphill v. Delo, 124 F.3d 208 (8th Cir. 1997) (unpublished)
- Hrbek v. Nix, 12 F.3d 777, 780 (8th Cir. 1993)

OPINION

Gunn

PER CURIAM.

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

STEVEN GUNN,)

) Plaintiff,) v.) No. 4:25-cv-00212-SEP) MRS. BUBLITZ, et al.,)) Defendants.)

MEMORANDUM AND ORDER

Before the Court are self-represented Plaintiff Steven Gunn's motions: (1) Motion to Proceed in forma pauperis, (2) Motion to Appoint Counsel, (3) Motion for an Evidentiary Hearing, (4) and Motion for Leave to Permit Discovery Inspection and Production. Docs. [6], [7], [8], and [9]. Plaintiff brings this action under 42 U.S.C. § 1983 for alleged violations of his constitutional rights. On initial review under 28 U.S.C. § 1915A, the Court dismisses Plaintiff's complaint for failure to state a claim upon which relief may be granted. The Court denies his motions as moot.

LEGAL STANDARD ON INITIAL REVIEW

Under 28 U.S.C. § 1915A(a), the Court must dismiss a complaint against the government if it is frivolous, malicious, or fails to state a claim upon which relief can be granted, or if it seeks monetary relief from a defendant who is immune from such relief. *Id.* § 1915A(b). To state a claim under 42 U.S.C. § 1983, a plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). "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." *Id.* at 678. "Determining whether a complaint states a plausible claim for relief" is "a context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Id.* at 679. The Court must "accept as true the facts alleged, but not legal conclusions or threadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Barton v. Taber*, 820 F.3d 958, 964 (8th Cir. 2016); see also *Brown v. Green Tree Servicing LLC*, 820 F.3d 371, 372-73 (8th Cir. 2016) (court not required to "accept as true any legal conclusion couched as a factual allegation"). benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). A "liberal construction" means that, "if the essence of an allegation is discernible . . . then the district court should construe the complaint in a way that permits the layperson's claim to be considered within the proper legal framework." *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015) (quoting *Stone v. Harry*, 364 F.3d 912, 914 (8th Cir.2004)). But even pro se complaints must "allege facts, which if true, state a claim as a matter of law." *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980); see also *Stone*, 364 F.3d at 914-15 (federal courts not required to "assume facts that are not alleged, just because an additional factual allegation would have formed a stronger complaint"). And "procedural rules in ordinary civil litigation" need not be "interpreted so as to excuse mistakes by those who proceed without counsel." *McNeil v. United States*, 508 U.S. 106, 113 (1993).

THE COMPLAINT

Plaintiff brings this action under § 1983 alleging that Defendants violated his constitutional rights when they found him guilty of possessing a contraband cell phone at Missouri Eastern Correctional Center (MECC). Plaintiff named the following MECC employees as Defendants: Mrs. Bublitz (Functional Unit Manager), Stephanie Easter (Case Manager), and Patricia Wickey

(Warden). Plaintiff sues Defendants only in their individual capacities. Plaintiff states that after searching the housing unit, CO Harris found a cell phone taped to the underside of a desk drawer in Plaintiff's cell. Doc. [1-4] at 4. Plaintiff alleges he was not aware of the cell phone. Plaintiff's cellmate accepted all responsibility for the phone, admitting that it was his alone. See Doc. [1-4] at 5. Despite this, on April 16, 2024, Plaintiff participated in a classification hearing presided over by COs Link, Brown, and Jones. See Doc. [1-4] at 7. Following the hearing, the officers found Plaintiff guilty because the cellphone was in a shared common area, indicating possession and ownership of all objects within that space. As discipline, officers placed Plaintiff in administrative segregation for two months. Doc. [1-4] at 4, 7, 8. Plaintiff alleges Defendants violated his rights to due process under the Fourteenth Amendment because he was not given a fair and impartial hearing. He argues the criminal standard of "proof beyond a reasonable doubt" should have been applied in the hearing. Doc. [1] at 4. He also alleges his due process rights were violated because he was not given "assistance in crafting a defense and in preparing for his disciplinary hearing before or prior to his hearing." findings with fingerprints or other physical evidence. *Id.* at 5. For relief, Plaintiff asks for his conduct violation to be dismissed and expunged from his record. He also seeks compensatory damages of between \$25 and \$2,500.

DISCUSSION

Determining whether prison officials denied an inmate due process requires a two-step inquiry. See *Williams v. Hobbs*, 662 F.3d 994, 1000 (8th Cir. 2011). First, a plaintiff must demonstrate that he or she was deprived of life, liberty, or property by government action. See *Phillips v. Norris*, 320 F.3d 844, 846 (8th Cir. 2003); see also *Beaulieu v. Ludeman*, 690 F.3d 1017, 1047 (8th Cir. 2012) (stating that a court "need reach the question of what process is due only if the inmates establish a constitutionally protected liberty interest"); *Singleton v. Cecil*, 155 F.3d 983, 987 (8th Cir. 1998) (explaining that to claim a due process violation, plaintiff has to be deprived of either life, liberty, or property, otherwise "it does not matter whether one has received due process or not"). Once it has been established that a life, liberty, or property interest exists, the process necessary to protect that interest must be determined. *Williams*, 662 F.3d at 1000. As neither life nor property is at issue here, Plaintiff must identify a liberty interest to state a due process claim. See *Phillips*, 320 F.3d at 847. Prisoners do have a protected liberty interest in avoiding conditions of confinement that impose an "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." *Sandin v. Conner*, 515 U.S. 472, 484-87 (1995). But due to the prevalence of administrative segregation in prisons for non-punitive purposes, plaintiffs face a high bar in demonstrating that it imposes an 'atypical and significant hardship' in relation to ordinary prison life. *Id.* at 486 ("Conner's confinement [in disciplinary segregation] did not exceed similar, but totally discretionary, confinement [such as in administrative segregation] in either duration or degree of restriction."). Thus, even where segregation was "concededly punitive," the Supreme Court could not find that it "present[ed] a dramatic departure from the basic conditions of Conner's indeterminate sentence." *Id.* at 485. Moreover, as the Court further explained, such

disciplinary actions do not necessarily impact an individual's release date. *Id.* at 487 ("The decision to release a prisoner rests on a myriad of considerations. And, the prisoner is afforded procedural protection at his parole hearing in order to explain the circumstances behind his misconduct record.") (citation omitted). Applying Supreme Court precedent, the Eighth Circuit has held that "an inmate has no protected liberty interest in remaining in the general prison population absent a showing of discipline in segregated confinement which amounts to atypical, significant deprivation." *Wycoff v. Nichols*, 94 F.3d 1187, 1190 (8th Cir. 1996) (citing *Sandin*, 515 U.S. at 485). Under that precedent, absent a showing of "atypical, significant deprivation," Plaintiff's assignment to administrative segregation does not amount to a deprivation of liberty that could give rise to a due process claim. See, e.g., *Sandin*, 515 U.S. at 485-86 (no atypical and significant hardship where inmate spent 30 days in solitary confinement); *Hemphill v. Delo*, 124 F.3d 208 (8th Cir. 1997) (unpublished) (same conclusion for 30 days in disciplinary segregation and 290 days in administrative segregation); *Wycoff*, 94 F.3d at 1190 (same conclusion for 10 days disciplinary detention and 100 days in maximum security cell). Because Plaintiffs placement in administrative segregation did not violate a protected liberty interest, due process protections are not applicable to the classification hearing. The Complaint thus fails to state a due process claim relating to Plaintiff's placement in administrative segregation. ! Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Proceed in forma pauperis, Doc. [6], is DENIED as moot as Plaintiff has paid the filing fee. IT IS FURTHER ORDERED that Plaintiffs claims are DISMISSED without prejudice for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915A(b)(1). IT IS FURTHER ORDERED that Plaintiffs (1) Motion to Appoint Counsel, (2) Motion for an Evidentiary Hearing, and (3) Motion for Leave to Permit Discovery, Docs. [7],

[8], and [9], are DENIED as moot.

An Order of Dismissal will accompany this Memorandum and Order. Dated this 19th day of December, 2025.

SARAH E. PITLYK ~

UNITED STATES DISTRICT JUDGE

"To the extent Plaintiff objects to the use of a standard other than guilt beyond a reasonable doubt, he also fails to state a claim. Because Plaintiffs administrative classification hearing was not a criminal prosecution, he was not entitled to the full array of constitutional rights afforded to criminal defendants in that context. See *Hrbek v. Nix*, 12 F.3d 777, 780 (8th Cir. 1993). -4-