

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Robert Boster v. Fairfield County, et al.

Civil Action No. 2:25-cv-1229 · No. 2:25-cv-1229 · Decided January 12, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Robert Boster leave to proceed in forma pauperis but recommends dismissal of his 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. The report addresses alleged violations of the First, Fourth, and Fourteenth Amendments arising from Boster’s removal from a county municipal courthouse and concludes that his speech, seizure, excessive-force, equal-protection, and due-process claims are insufficiently pleaded.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 12, 2026
DOCKET	2:25-cv-1229
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis. The magistrate judge conducted the required screening of the complaint under 28 U.S.C. § 1915(e)(2) and issued an order granting in forma pauperis status and a report and recommendation that the complaint be dismissed for failure to state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure-to-state-a-claim review applies the Rule 12(b)(6) and Rule 8(a) pleading standards, including the requirement that the complaint contain sufficient factual matter to state a plausible claim for relief.

PRECEDENTIAL VALUE

Nonprecedential report and recommendation; not a final district-court judgment in the source.

TOPICS

section 1983 standing first amendment due process equal protection

PRACTICE AREAS

Civil rights Constitutional law Federal civil procedure In forma pauperis screening Municipal liability

QUESTIONS PRESENTED

1. Whether the complaint stated a First Amendment claim based on defendants' refusal to assist with service of documents and alleged interference with recording.
2. Whether Boster had standing to assert alleged violations of his daughter's constitutional rights.
3. Whether the allegations stated a Fourth Amendment seizure or excessive-force claim.
4. Whether the complaint stated an equal protection claim under the Fourteenth Amendment.
5. Whether the complaint stated a procedural due process claim despite the availability of state remedies.
6. Whether the allegations stated a substantive due process excessive-force claim.

HOLDINGS

1. Boster lacked standing to assert claims based on alleged violations of his daughter's right to record because a plaintiff generally must assert his own legal rights and interests, and a § 1983 claim is personal to the direct victim.
2. The complaint failed to state a First Amendment claim because defendants' refusal to personally serve or witness Boster's documents did not infringe his speech rights; Boster remained free to serve the documents by other methods.
3. The complaint failed to state a Fourth Amendment claim because it did not plausibly allege a seizure, and an excessive-force claim under the Fourth Amendment requires a seizure.
4. The complaint failed to state an equal protection claim because it did not allege intentional discrimination based on protected-class membership or intentional differential treatment from similarly situated persons without a rational basis.
5. The complaint failed to state a procedural due process claim because Boster did not allege that available state remedies were inadequate.
6. The complaint failed to state a Fourteenth Amendment substantive due process excessive-force claim because the alleged force did not plausibly shock the conscience or amount to force employed maliciously and sadistically for the purpose of causing harm.

KEY QUOTATIONS

“Thus, § 1915(e) requires sua sponte dismissal of an action upon the Court’s determination that the action is frivolous or malicious, or upon determination that the action fails to state a claim upon which relief may be granted.” (II)

“A “seizure must occur before an excessive force claim is cognizable under the Fourth Amendment,”” (III)

“Such allegations do not rise to the level of “force employed maliciously and sadistically for the very purpose of causing harm rather than in a good faith effort to maintain or restore discipline.”” (III)

FACTUAL BACKGROUND

Boster and his daughter entered the Fairfield County Municipal Court building to serve documents alleging violations of rights on two judicial officers. County employees refused to assist with service or witnessing, and Boster alleged that officers interfered with his daughter's recording, ordered them to leave, shoved Boster, forcibly removed him, and briefly stood in front of his vehicle. Boster asserted First, Fourth, and Fourteenth Amendment claims and sought damages, injunctive and declaratory relief, attorney fees, and costs.

PROCEDURAL HISTORY

Robert Boster filed a pro se § 1983 complaint against Fairfield County, its Board of Commissioners, and county employees alleging violations of the First, Fourth, and Fourteenth Amendments. The magistrate judge granted leave to proceed in forma pauperis, screened the complaint under § 1915(e)(2), and recommended dismissal. The recommendation remained subject to objections and de novo review by the district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand instructions were issued. The magistrate judge granted in forma pauperis status and recommended dismissal; objections were due within fourteen days, followed by potential de novo review by the district judge.

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Hill v. Lappin, 630 F.3d 468, 470–71 (6th Cir. 2011)
- 16630 Southfield Ltd., P’Ship v. Flagstar Bank, F.S.B., 727 F.3d 502, 503–04 (6th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Garrett v. Belmont Cty. Sheriff’s Dep’t, 374 F. App’x 612, 614 (6th Cir. 2010)
- Frengler v. Gen. Motors, 482 F. App’x 975, 976–77 (6th Cir. 2012)
- Warth v. Seldin, 422 U.S. 490, 499 (1975)
- Claybrook v. Birchwell, 199 F.3d 350, 357, 359 (6th Cir. 2000)

- *Consol. Edison Co. of New York v. Pub. Serv. Comm'n of New York*, 447 U.S. 530, 536 (1980)
- *Brower v. Inyo County*, 489 U.S. 593, 596 (1989)
- *Torres v. Madrid*, 592 U.S. 306, 309 (2021)
- *Dunigan v. Noble*, 390 F.3d 486, 492 (6th Cir. 2004)
- *Cleveland v. Dickerson*, 60 N.E.3d 686, 691 (Ohio Ct. App. 2016)
- *Henry v. Metro. Sewer Dist.*, 922 F.2d 332, 341 (6th Cir. 1990)
- *Herron v. Harrison*, 203 F.3d 410, 417 (6th Cir. 2000)
- *Copeland v. Machulis*, 57 F.3d 476, 480 (6th Cir. 1995)
- *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 255–56 (1977)
- *Franks v. Rubitschun*, 312 F. App'x 764, 766 (6th Cir. 2009)
- *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000)
- *Parratt v. Taylor*, 451 U.S. 527 (1981)
- *Daniels v. Williams*, 474 U.S. 327 (1986)
- *Hudson v. Palmer*, 468 U.S. 517, 533–36 (1984)
- *Jefferson v. Jefferson Cnty. Pub. Sch. Sys.*, 360 F.3d 583, 587–88 (6th Cir. 2004)
- *Vicory v. Walton*, 721 F.2d 1062, 1065–66 (6th Cir. 1983)
- *Wilson v. Beebe*, 770 F.2d 578 (6th Cir. 1985)
- *Gibbs v. Hopkins*, 10 F.3d 373, 377–78 (6th Cir. 1993)
- *Ruiz v. Fisher*, No. 96-4212, 1998 WL 661139, at *5 (6th Cir. Sept. 2, 1998)
- *Fox v. Van Oosterum*, 176 F.3d 342, 349 (6th Cir. 1999)
- *Aldini v. Johnson*, 609 F.3d 858, 864 (6th Cir. 2010)
- *Darrah v. City of Oak Park*, 255 F.3d 301, 305–07 (6th Cir. 2001)
- *Thomas v. Arn*, 474 U.S. 140 (1985)
- *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)