

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

Baylee Logan Levitt v. Corrections Officer Guess, et al.

Levitt · No. 2:25-CV-12571-TGB-DRG · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan partially screened Baylee Logan Levitt’s pro se 42 U.S.C. § 1983 complaint. The court dismissed without prejudice the claims against defendants NKuwzor and Robinson and the claims for sexual harassment and staff corruption, while allowing the retaliation claim against Officer Guess to proceed. The court also denied without prejudice the motion to appoint counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Terrence G. Berg
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	December 15, 2025
DOCKET	2:25-CV-12571-TGB-DRG
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 screened under the Prison Litigation Reform Act before service; the court partially dismissed the complaint and denied the motion to appoint counsel.
STANDARD OF REVIEW	The court applied the PLRA screening standards requiring dismissal of an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant, and construed the pro se pleading liberally under Federal Rule of Civil Procedure 8(a).
PRECEDENTIAL VALUE	unpublished district-court order; limited persuasive value

TOPICS

- section 1983
- prisoners rights
- civil rights
- cruel and unusual punishment
- first amendment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a § 1983 claim against NKuwzor and Robinson without allegations of their personal involvement.
2. Whether Guess's alleged verbal sexual harassment and threats, without physical contact or forced sexual conduct, stated an Eighth Amendment claim.
3. Whether Plaintiff's conclusory staff-corruption allegations stated a claim under § 1983.
4. Whether Plaintiff's allegations plausibly stated a retaliation claim against Guess sufficient to survive PLRA screening.
5. Whether Plaintiff demonstrated exceptional circumstances warranting appointment of counsel in the civil-rights action.

HOLDINGS

1. A § 1983 claim cannot proceed against officials where the complaint alleges no facts showing their personal involvement in the asserted constitutional violations; claims against NKuwzor and Robinson were dismissed without prejudice.
2. Isolated, brief, nonsevere verbal sexual harassment and threats, without physical contact or forced sexual conduct, do not state an Eighth Amendment violation or actionable § 1983 claim; the sexual- and verbal-harassment claims were dismissed without prejudice.
3. Conclusory allegations of staff corruption, unsupported by specific facts or a legal basis, fail to state a claim under § 1983; that claim was dismissed without prejudice.
4. Plaintiff's retaliation allegations against Guess stated a plausible claim for relief and were sufficient to survive preliminary PLRA screening.
5. Appointment of counsel was not warranted because Plaintiff failed to demonstrate exceptional circumstances, and the request was premature; the motion was denied without prejudice.

KEY QUOTATIONS

“A pro se civil rights complaint is to be construed liberally.” (at 4)

“A civil rights plaintiff must allege the personal involvement of a defendant to state a claim under § 1983.”
(at 5)

“Furthermore, allegations of verbal harassment and threats are insufficient to state a civil rights claim under § 1983.” (at 8)

“In prisoner civil rights cases, the Sixth Circuit has held that the appointment of an attorney to represent an indigent plaintiff is “justified only by exceptional circumstances.”” (at 10)

FACTUAL BACKGROUND

Plaintiff, confined in a Michigan correctional facility, alleged that Officer Guess made sexually abusive and insulting remarks, searched his cell and destroyed legal documents, issued several misconduct tickets that were later dismissed, and threatened continued retaliation after Plaintiff filed grievances. Plaintiff also named Officers NKuwzor and Counselor Robinson but alleged no specific conduct by either defendant. The complaint sought monetary damages for sexual harassment, retaliation, and staff corruption.

PROCEDURAL HISTORY

Plaintiff filed an in forma pauperis § 1983 complaint against three prison officials, alleging sexual harassment, retaliation, and staff corruption, and separately moved for appointment of counsel. The court granted leave to proceed in forma pauperis, screened the complaint sua sponte, dismissed the claims against NKuwzor and Robinson and the sexual-harassment and staff-corruption claims without prejudice, allowed the retaliation claim against Guess to proceed, and denied appointment of counsel without prejudice.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Flagg Bros. v. Brooks, 436 U.S. 149, 155-57 (1978)
- Harris v. Circleville, 583 F.3d 356, 364 (6th Cir. 2009)
- Monell v. Department of Social Services, 436 U.S. 658, 691-92 (1978)
- Everson v. Leis, 556 F.3d 484, 495 (6th Cir. 2009)
- Rafferty v. Trumbull County, Ohio, 915 F.3d 1087, 1095-96 (6th Cir. 2019)
- Miller v. Wertanen, 109 F. App'x 64, 65 (6th Cir. 2004)
- Johnson v. Ward, No. 99-1596, 2000 WL 659354, at *1 (6th Cir. 2000)
- Green v. Eddy, No. 1:24-CV-12086, 2025 WL 845176, at *2-3 (E.D. Mich. Mar. 18, 2025)
- Sims v. Jarvis, No. 2:23-CV-163, 2024 WL 3565043, at *4 (W.D. Mich. July 29, 2024)
- Williams v. Wetzel, 776 F. App'x 49, 53 (3d Cir. 2019)
- Jackson v. Holley, 666 F. App'x 242, 244 (4th Cir. 2016)
- Allen v. Wine, 297 F. App'x 524, 530 (7th Cir. 2008)
- Doe v. City of Haltom, 106 F. App'x 906, 908 (5th Cir. 2004)
- Ivey v. Wilson, 832 F.2d 950, 954-55 (6th Cir. 1987)
- Wingo v. Tennessee Department of Correction, 499 F. App'x 453, 455 (6th Cir. 2012)
- Cox v. Ross, No. 2:24-CV-11506, 2024 WL 3071056, at *2 (E.D. Mich. June 20, 2024)

- *Montgomery v. Harper*, No. 5:14-CV-P38-R, 2014 WL 4104163, at *2 (W.D. Ky. Aug. 19, 2014)
- *Carney v. Craven*, 40 F. App'x 48, 50 (6th Cir. 2002)
- *Abdur-Rahman v. Michigan Department of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995)
- *Glover v. Johnson*, 75 F.3d 264, 268 (6th Cir. 1996)
- *Reneer v. Sewell*, 975 F.2d 258, 261 (6th Cir. 1992)
- *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987)
- *Bennett v. Smith*, 110 F. App'x 633, 635 (6th Cir. 2004)
- *Lince v. Youngert*, 136 F. App'x 779, 782 (6th Cir. 2005)
- *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993)
- *Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003)
- *Harrison v. Diamond Pharmacy Services*, 707 F. Supp. 3d 718, 726 (W.D. Ky. 2024)
- *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982)
- *Hill v. Coleman*, 2021 WL 12259037, at *1-2 (W.D. Mich. June 7, 2021)
- *Foster v. Bush*, 2021 WL 3079892, at *1-2 (E.D. Mich. July 21, 2021)

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