

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

Lency Donnell August v. Warden James J. Forshey, et al.

Civil Actions 2:25-cv-915; 2:25-cv-1010; 2:25-cv-1234 · No. Civil Actions 2:25-cv-915; 2:25-cv-1010; 2:25-cv-1234 · Decided December 1, 2025

SUMMARY

This Order and Report and Recommendation addresses the initial screening of a pro se Ohio inmate’s 42 U.S.C. § 1983 claims under 28 U.S.C. §§ 1915(e)(2) and 1915A. The court grants leave to proceed in forma pauperis and recommends dismissal of the official-capacity claims, claims against the warden and certain correctional officers, and most constitutional claims. It recommends allowing an individual-capacity excessive-force claim against D. Stack arising from the use of mace during a December 2024 pat-down to proceed.

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	December 1, 2025
DOCKET	Civil Actions 2:25-cv-915; 2:25-cv-1010; 2:25-cv-1234
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a pro se prisoner's complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A, together with consideration of the plaintiff's motion to proceed in forma pauperis. The magistrate judge granted in forma pauperis status and recommended that the plaintiff proceed only on an individual-capacity excessive-force claim against D. Stack and that all other claims be dismissed.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2) and 1915A, the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Failure-to-state-a-claim screening applies the Federal Rule of Civil Procedure 12(b)(6) standard, requiring sufficient factual matter to state a plausible claim for relief.

PRECEDENTIAL VALUE	Nonprecedential magistrate judge order and report and recommendation; subject to district judge review and adoption.
PARTIES	Lency Donnell August v. Warden James J. Forshey, Correctional Officer Larrison, Correctional Officer D. Stack, Correctional Officer M. Stack

TOPICS

[section 1983](#)
[prisoners rights](#)
[sovereign immunity](#)
[free exercise clause](#)

PRACTICE AREAS

[Civil rights](#)
[Prisoner litigation](#)
[Constitutional law](#)
[Federal civil procedure](#)
[Sovereign immunity](#)

QUESTIONS PRESENTED

1. Whether the plaintiff's official-capacity claims for damages were barred by sovereign immunity.
2. Whether the plaintiff stated a personal-involvement claim under § 1983 against Warden Forshey.
3. Whether the plaintiff stated First Amendment free-exercise, Fourteenth Amendment equal-protection, and Eighth Amendment excessive-force claims against Officer Larrison.
4. Whether the plaintiff stated equal-protection, excessive-force, or deliberate-indifference-to-medical-needs claims against Officers M. Stack and D. Stack.
5. Whether the plaintiff should be allowed to proceed in forma pauperis and whether the complaint should be screened and partially dismissed under §§ 1915(e)(2) and 1915A.

HOLDINGS

1. The plaintiff's official-capacity claims against the defendants must be dismissed because they are barred by Eleventh Amendment sovereign immunity and no exception applies.
2. The individual-capacity claims against Warden Forshey must be dismissed because the complaint does not allege his personal involvement or knowing authorization, approval, or acquiescence in the alleged misconduct.
3. The plaintiff failed to state a free-exercise claim because the alleged one-time interference with prayer was de minimis and did not substantially burden his sincerely held religious exercise.
4. The plaintiff failed to state equal-protection claims against Larrison, M. Stack, or D. Stack because he alleged neither disparate treatment of similarly situated persons nor facts permitting an inference of intentional and purposeful discrimination.
5. The plaintiff failed to state excessive-force claims against Larrison and M. Stack because the alleged handcuffing and light ankle kicks did not satisfy the objective seriousness requirement.
6. The plaintiff should be permitted to proceed on his individual-capacity excessive-force claim against D. Stack based on the alleged use of mace during the December 2024 pat-down.

7. The plaintiff failed to state deliberate-indifference-to-medical-needs claims against M. Stack and D. Stack because he did not allege that either defendant knew of and consciously disregarded a substantial risk of serious harm.

KEY QUOTATIONS

“The core judicial inquiry is whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.”

“A complaint must contain sufficient factual matter to state a claim to relief that is plausible on its face.”

FACTUAL BACKGROUND

August, a Muslim Ohio inmate, alleged that Correctional Officer Larrison interfered with his prayer, handled his religious items, handcuffed him tightly, and refused to allow him to use his cane. He also alleged that Officers M. Stack and D. Stack engaged in misconduct during a pat-down, including lightly kicking his ankle and, after he briefly moved his hand, spraying him with mace. August alleged injuries from the December incident, requested medical care, and sought damages for religious, racial, excessive-force, and medical-indifference claims.

PROCEDURAL HISTORY

Plaintiff filed identical complaints in three related civil actions against prison officials under 42 U.S.C. § 1983. The matter was referred to the magistrate judge for initial screening and a report and recommendation. The magistrate judge granted leave to proceed in forma pauperis, directed collection of the filing fee under 28 U.S.C. § 1915(b), and recommended partial dismissal and limited continuation of the action. The report advised that objections could be filed for de novo review by a district judge.

DISPOSITION

other

CASES CITED

- McGore v. Wrigglesworth, 114 F.3d 601, 608 (6th Cir. 1997)
- 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. 2010)
- 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 County Sheriff's Department, 374 F. App'x 612, 614 (6th Cir. 2010)
- Frengler v. General Motors, 482 F. App'x 975, 976-77 (6th Cir. 2012)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1983)
- Lawson v. Shelby County, 211 F.3d 331, 334 (6th Cir. 2000)

- Will v. Michigan Department of State Police, 491 U.S. 58, 66, 71 (1989)
- Boler v. Earley, 865 F.3d 391, 410, 412 (6th Cir. 2017)
- Mixon v. State of Ohio, 193 F.3d 389, 397 (6th Cir. 1999)
- Ex parte Young, 209 U.S. 123 (1908)
- Hunt v. Sycamore Community School District Board of Education, 542 F.3d 529, 534 (6th Cir. 2008)
- McQueen v. Beecher Community School, 433 F.3d 460, 463 (6th Cir. 2006)
- Grinter v. Knight, 532 F.3d 567, 575 (6th Cir. 2008)
- Everson v. Leis, 556 F.3d 484, 495 (6th Cir. 2009)
- Hayes v. Tennessee, 424 F. App'x 546, 549 (6th Cir. 2011)
- Pryor v. Chambers-Smith, No. 24-3301, 2025 WL 1090997, at *2 (6th Cir. Apr. 2, 2025)
- Kent v. Johnson, 821 F.2d 1220, 1224-25 (6th Cir. 1987)
- Mustin v. Wainwright, No. 23-3671, 2024 WL 3950810, at *2 (6th Cir. Aug. 27, 2024)
- Haight v. Thompson, 763 F.3d 554, 565 (6th Cir. 2014)
- Colvin v. Caruso, 605 F.3d 282, 293 (6th Cir. 2010)
- Dykes v. Schroeder, No. 2:22-CV-110, 2022 WL 2167727, at *4 (W.D. Mich. June 16, 2022)
- Mubashshir v. Moore, No. 3:10 CV 2802 (N.D. Ohio Apr. 19, 2011)
- Crump v. Winn, No. 11-10409, 2012 WL 1033663 (E.D. Mich. Mar. 5, 2012)
- Scarbrough v. Morgan County Board of Education, 470 F.3d 250, 260 (6th Cir. 2006)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 439 (1985)
- Maye v. Klee, 915 F.3d 1076, 1085 (6th Cir. 2019)
- Robinson v. Jackson, 615 F. App'x 310, 314-15 (6th Cir. 2015)
- Harden-Bey v. Rutter, 524 F.3d 789, 796 (6th Cir. 2008)
- Lillard v. Shelby County Board of Education, 76 F.3d 716, 726 (6th Cir. 1996)
- Williams v. Curtin, 631 F.3d 380, 383 (6th Cir. 2011)
- Whitley v. Albers, 475 U.S. 312, 319, 327 (1986)
- Moore v. Holbrook, 2 F.3d 697, 700 (6th Cir. 1993)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Wilkins v. Gaddy, 559 U.S. 34, 37 (2010) (per curiam)
- Hudson v. McMillian, 503 U.S. 1, 7, 9-10 (1992)
- Jones v. Muskegon County, 625 F.3d 935, 941 (6th Cir. 2010)
- Alspaugh v. McConnell, 643 F.3d 162, 169 (6th Cir. 2011)
- Barnett v. Luttrell, 414 F. App'x 784 (6th Cir. Mar. 10, 2011)
- Blackmore v. Kalamazoo County, 390 F.3d 890, 895-96 (6th Cir. 2004)
- Westlake v. Lucas, 537 F.2d 857, 860 n.5 (6th Cir. 1976)
- Santiago v. Ringle, 734 F.3d 585, 590 (6th Cir. 2013)
- Vaughn v. City of Lebanon, 18 F. App'x 252, 274 (6th Cir. 2001)
- Napier v. Madison County, Kentucky, 238 F.3d 739, 742 (6th Cir. 2001)

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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