

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Bobby Tatum v. William Christopher, Billy Austin, and Kelly Beal

Tatum v. Christopher, No. 25-cv-1474-NJR (S.D. Ill. Dec. 12, 2025) · No. 25-cv-1474-NJR · Decided December 12, 2025

SUMMARY

The United States District Court for the Southern District of Illinois conducts preliminary screening under 28 U.S.C. § 1915A of Bobby Tatum’s amended § 1983 complaint concerning alleged excessive force, sexual assault, retaliation, and denial of medical care. The court dismisses without prejudice claims against individuals not named in the case caption and an inadequately pleaded due process claim concerning a disciplinary ticket. The court allows Eighth Amendment excessive-force and deliberate-indifference claims, and a First Amendment retaliation claim, to proceed against the named defendants, while denying Tatum’s motions for appointment of counsel at that stage.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	December 12, 2025
DOCKET	25-cv-1474-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the court conducted preliminary screening of the amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must screen a prisoner complaint and dismiss any portion that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant. The court also applied the Rule 8/Twombly plausibility standard.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order

TOPICS

- prisoners rights
- section 1983
- civil rights
- pleadings
- procedural due process

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

Section 1983 litigation

QUESTIONS PRESENTED

1. Whether the amended complaint stated viable Eighth Amendment excessive-force, deliberate-indifference-to-medical-needs, and First Amendment retaliation claims.
2. Whether claims against individuals mentioned in the allegations but omitted from the case caption should be dismissed.
3. Whether allegations that defendants issued a false disciplinary ticket stated a Fourteenth Amendment due-process claim.
4. Whether appointment of counsel was warranted at the early stage of the litigation.

HOLDINGS

1. Individuals mentioned in the statement of claim but not identified as defendants in the case caption are not parties to the action, and potential claims against them were dismissed without prejudice.
2. Receipt of a false disciplinary ticket, standing alone, does not establish a due-process violation; Tatum's conclusory allegations failed to state a Fourteenth Amendment claim.
3. Tatum adequately stated an Eighth Amendment excessive-force claim against Christopher, Austin, and Beal based on the alleged use of force and sexual assaults, and Count 1 was allowed to proceed.
4. Tatum adequately stated a deliberate-indifference claim against Beal by alleging that Beal denied his requests for medical treatment and prevented a nurse from treating him; Count 2 was allowed to proceed.
5. Tatum adequately stated a First Amendment retaliation claim against Christopher, Austin, and Beal by alleging that they attacked him in response to his filing grievances and lawsuits; Count 3 was allowed to proceed.
6. Appointment of counsel was not warranted at the early stage of the case, so Tatum's motions for counsel were denied without prejudice to renewal if litigation difficulties arose later.

KEY QUOTATIONS

“The receipt of a false disciplinary ticket does not, on its own, amount to a due process violation.”
(Preliminary Dismissals)

“Thus, Counts 1, 2, and 3 shall proceed.” (Discussion)

FACTUAL BACKGROUND

Tatum alleged that on August 6, 2023, Christopher and Austin escorted him through the prison while his pants and underwear were around his ankles, exposed him to inmates and staff, and later dropped him on his head. He alleged that Beal sexually assaulted him with a stick and that all three defendants sexually assaulted him, while

making statements linking the assault to his filing grievances and lawsuits. Tatum further alleged that Beal denied him medical care after the incident, including by preventing a nurse from treating him.

PROCEDURAL HISTORY

Tatum filed this action on July 24, 2025, and filed an amended complaint on August 1, 2025, narrowing the defendants to William Christopher, Billy Austin, and Kelly Beal. Because the claims appeared duplicative of those in an earlier-filed action, the court directed Tatum to show cause; he explained that he had not exhausted his claims before filing the earlier case and later dismissed that case. On preliminary review, the court dismissed without prejudice claims against individuals not named in the caption and a potential due-process claim based on a false disciplinary ticket, allowed three claims to proceed, denied motions for counsel, and directed service on the named defendants.

DISPOSITION

other

CASES CITED

- Myles v. United States, 416 F.3d 551, 551-52 (7th Cir. 2005)
- Hadley v. Peters, 841 F. Supp. 850, 856 (C.D. Ill. 1994), aff'd, 70 F.3d 117 (7th Cir. 1995)
- Hanrahan v. Lane, 747 F.2d 1137, 1140 (7th Cir. 1984)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS BOBBY TATUM, Plaintiff, v. Case No. 25-cv-1474-NJR WILLIAM CHRISTOPHER, BILLY AUSTIN, and KELLY BEAL, Defendants. MEMORANDUM AND ORDER ROSENSTENGEL, Chief Judge: Plaintiff Bobby Tatum, an inmate of the Illinois Department of Corrections who is currently incarcerated at Pinckneyville Correctional Center, brings this action pursuant to 42 U.S.C. § 1983 for deprivations of his constitutional rights while at Shawnee Correctional Center.

On July 24, 2025, Tatum filed his Complaint alleging retaliation, excessive force, sexual assault, and conditions of confinement claims against officials at Shawnee (Doc. 1). On August 1, 2025, Tatum filed an Amended Complaint narrowing his claims to just three individuals (Doc. 11).

The claims appeared to be duplicative of claims in another case, Tatum v. Galloway, Case No. 25-cv-1352-DWD, and the Court directed Tatum to show cause as to why this later filed case should not be dismissed (Doc. 23). Tatum responded that he had not properly exhausted his claims prior to filing the earlier case and sought to pursue the claims in this case now that they were exhausted (Doc.

24). He subsequently dismissed the previously filed case. See *Tatum v. Galloway*, Case No. 25-cv-1352-DWD, Doc. 19. He also filed a motion to dismiss in this case but noted that he intended to pursue his claims in this case and sought to withdraw or dismiss the earlier filed case (Doc. 27).

Because Tatum's motion merely informs the Court of his desire to proceed with this case, the motion (Doc. 27) and a motion for status of the motion (Doc. 28) are DENIED as moot. This case is now before the Court for preliminary review of the Amended Complaint pursuant to 28 U.S.C. § 1915A.

Under Section 1915A, the Court is required to screen prisoner complaints to filter out non-meritorious claims. See 28 U.S.C. § 1915A(a). Any portion of a complaint that is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law is immune from such relief must be dismissed. 28 U.S.C. § 1915A(b).

The Amended Complaint Tatum focuses his claims on just three defendants: William Christopher, Billy Austin, and Kelly Beal (Doc. 11, p. 2). He alleges that on August 6, 2023, after a use of force incident involving Correctional Officer ("C/O") Craig and Sergeant Plot, Lieutenant Austin and William Christopher walked Tatum through the prison while severely injured and with his pants and underwear on the ground at his ankles (*Id.* at p. 5).

They exposed Tatum's private parts to other inmates and staff, refusing to pull Tatum's pants up despite his pleas for them to do so (*Id.*). They later dropped him to the ground on his head, causing him to lose consciousness (*Id.*). He awoke to Lieutenant Beal sexually assaulting him with a stick (*Id.*). All three officers then sexually assaulted him (*Id.* at p. 6).

The officers yelled at the other inmates, informing them that this is what happens to inmates who file grievances and lawsuits against staff and Warden Galloway (*Id.*). After the assault, the officers allegedly took Tatum to segregation where Sergeant Sherrod used excessive force and Beal denied Tatum's requests for medical care. Tatum was then placed in a cell with unsanitary conditions (*Id.*).

Tatum alleges a nurse tried to provide him medical care, but Beal told her to leave (*Id.*). Tatum was later informed that Warden Galloway ordered the three officers to attack and kill Tatum for filing lawsuits and grievances (*Id.*). Preliminary Dismissals Tatum identifies a number of individuals in his statement of claim who he fails to identify as defendants in the case caption.

He alleges that C/O Craig and Sergeant Plot used excessive force against him just prior to the events in this lawsuit, Sergeant Sherrod used excessive force upon Tatum's arrival at the segregation holding cell, and Warden Galloway ordered the sexual assault allegedly perpetrated by the named defendants in this case.

In order to be a party in the case, a plaintiff must identify them in the case caption. See FED. R. CIV. P. 10(a); *Myles v. United States*, 416 F.3d 551, 551–52 (7th Cir. 2005). Because he fails to identify these individuals as defendants, any potential claim against them is DISMISSED without prejudice. Tatum also states in conclusory fashion that the defendants wrote a false disciplinary ticket against him.

He later alleges that all three defendants violated his Fourteenth Amendment rights when they wrote a false disciplinary ticket against him to cover up their actions (Doc. 11, pp. 6-7). The receipt of a false disciplinary ticket does not, on its own, amount to a due process violation. *Hadley v. Peters*, 841 F. Supp. 850, 856 (C.D. Ill. 1994), *aff'd*, 70 F.3d 117 (7th Cir.

1995) (citations omitted); see also *Hanrahan v. Lane*, 747 F.2d 1137, 1140 (7th Cir. 1984). And Tatum fails to provide any allegations regarding the proceedings related to that ticket or its outcome. He fails to allege that his due process rights were violated in regard to the disciplinary ticket.

Thus, any potential Fourteenth Amendment claim is DISMISSED without prejudice. Discussion Based on the allegations in the Amended Complaint, the designates the following counts: Count 1: Eighth Amendment excessive force claim against William Christopher, Kelly Beal, and Billy Austin for their use of force against Tatum on August 6, 2023. Count 2: Eighth Amendment deliberate indifference to medical needs claim against Kelly Beal for denying Tatum access to medical care.

Count 3: First Amendment retaliation claim against William Christopher, Kelly Beal, and Billy Austin for attacking Tatum in response to Tatum filing grievances. The parties and the Court will use these designations in all future pleadings and orders, unless otherwise directed by a judicial officer of this Court. Any other claim that is mentioned in the Amended Complaint but not addressed in this Order should be considered dismissed without prejudice as inadequately pled under the Twombly pleading standard.¹ 1 See *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (an action fails to state a claim upon which relief can be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face”).

At this stage, Tatum states viable claims against the defendants. He adequately alleges that all three defendants used excessive force against him and that they did so in response to Tatum filing grievances at the prison. He also adequately alleges that Beal denied him medical care when Beal refused Tatum’s requests for treatment and denied a nurse access to Tatum.

Thus, Counts 1, 2, and 3 shall proceed. Motion for Counsel Tatum also filed two motions requesting the assignment of counsel (Docs. 3, 25, 26). Tatum states that he needs counsel because he will have difficulties litigating his claims because he is no longer at the prison where his claims

occurred. But given the early stage of the case, the Court finds that counsel is not necessary at this time.

Defendants have yet been served nor have they filed Answers. Once all defendants have been served and filed Answers, the Court will enter a scheduling order with next steps in the litigation process. Should Tatum experience difficulties in proceeding with the case at that time, he may renew his request for counsel. At this time, Tatum's motions for counsel (Docs.

3, 25, 26) are DENIED. Disposition For the reasons stated above, Count 1 shall proceed against William Christopher, Billy Austin, and Kelly Beal. Count 2 shall proceed against Kelly Beal and Count 3 shall proceed against William Christopher, Billy Austin, and Kelly Beal.

The Clerk of Court shall prepare for William Christopher, Billy Austin, and Kelly Beal: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons) and (2) Form 6 (Waiver of Service of Summons). The Clerk is DIRECTED to mail these forms, a copy of the Amended Complaint, and this Memorandum and Order to each defendant's place of employment as identified by Tatum.

If a defendant fails to sign and return the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on that defendant, and the Court will require that defendant to pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If a defendant can no longer be found at the work address provided by Tatum, the employer shall furnish the Clerk with the defendant's current work address, or, if not known, defendant's last-known address. This information shall be used only for sending the forms as directed above or for formally effecting service. Any documentation of the address shall be retained only by the Clerk.

Address information shall not be maintained in the court file or disclosed by the Clerk. Defendants are ORDERED to timely file an appropriate responsive pleading to the Amended Complaint and shall not waive filing a reply pursuant to 42 U.S.C. Section 1997e(g). Pursuant to Administrative Order No. 244, Defendants need only respond to the issues stated in this Merit Review Order.

If judgment is rendered against Tatum, and the judgment includes the payment of costs under Section 1915, he will be required to pay the full amount of the costs, regardless of whether his application to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(f)(2)(A).

Finally, Tatum is ADVISED that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than 14 days after a transfer or other change in address occurs. Failure to comply with this order will cause a delay in

the transmission of court documents and may result in dismissal of this action for want of prosecution.

See FED. R. Civ. P. 41(b). IT IS SO ORDERED. DATED: December 12, 2025 Tl ☐☐ (NANCY J. ROSENSTENGEL Chief U.S. District Judge Notice to Plaintiff The Court will take the necessary steps to notify the appropriate defendants of your lawsuit and serve them with a copy of your Amended Complaint.

After service has been achieved, the defendants will enter their appearance and file an Answer to your Amended Complaint. It will likely take at least 60 days from the date of this Order to receive the defendants' Answer, but it is entirely possible that it will take 90 days or more. When all the defendants have filed Answers, the Court will enter a Scheduling Order containing important information on deadlines, discovery, and procedures.

Plaintiff is advised to wait until counsel has appeared for the defendants before filing any motions, to give the defendants notice and an opportunity to respond to those motions. Motions filed before defendants' counsel has filed an appearance will generally be denied as premature. Plaintiff need not submit any evidence to the Court at this time, unless specifically directed to do so.