

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PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order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)