

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Carter Joe Tyree v. John Doe 1 and John Doe 2

4:25-CV-04139-CCT · No. 4:25-CV-04139-CCT · Decided June 8, 2026

SUMMARY

The United States District Court for the District of South Dakota resolves Carter Joe Tyree’s pending motions in a 42 U.S.C. § 1983 action against unidentified correctional officers. The court partially grants an extension to identify and serve the defendants and directs the Clerk to issue blank subpoenas, denies reconsideration of the dismissed medical-care claim, and denies without prejudice a motion to admit a news article as premature. The order is dated June 8, 2026.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Camela C. Theeler
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	June 8, 2026
DOCKET	4:25-CV-04139-CCT
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 following screening under 28 U.S.C. § 1915A; the court ruled on the plaintiff’s motions to extend time, for subpoenas, for reconsideration, and to admit a news article.
STANDARD OF REVIEW	The court applied the standards governing extensions of time under Federal Rules of Civil Procedure 4(m) and 6(b)(1)(A), liberal construction of pro se pleadings, reconsideration of a screening ruling, issuance and service of subpoenas under Rule 45, and the use of requests for admission under Rule 36.
PRECEDENTIAL VALUE	unknown
PARTIES	Carter Joe Tyree v. John Doe 1, Correctional Officer, South Dakota Department of Corrections, in his individual capacity, John Doe 2,

TOPICS

discovery dispute

service of process

motion for reconsideration

civil procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights litigation

prisoner litigation

discovery and subpoenas

QUESTIONS PRESENTED

1. Whether Tyree showed good cause for an extension of the deadline to identify and serve the Doe defendants.
2. Whether the court should direct the Clerk to issue the completed subpoenas duces tecum submitted by Tyree.
3. Whether reconsideration was warranted based on additional facts concerning the alleged assault and visible blood.
4. Whether the court could admit a news article into evidence under Federal Rule of Civil Procedure 36 before defendants were served and before discovery or trial.
5. Whether a pro se plaintiff may add factual allegations through a motion for reconsideration rather than by seeking leave to amend.

HOLDINGS

1. A pro se prisoner is entitled to an extension under Rule 6(b)(1)(A) when demonstrated mail delays impede compliance with the service deadline, but anticipated or possible delays do not ordinarily justify a 90-day extension; here, a 30-day extension was warranted because the subpoena request provided good cause.
2. A pro se litigant may request that the Clerk issue signed subpoenas that are otherwise blank; the litigant must complete and arrange service of the subpoenas in accordance with Rule 45.
3. A plaintiff may not use a motion for reconsideration to add factual allegations that were absent from the complaint; additional facts must be asserted through a motion for leave to amend under Rule 15.
4. Rule 36 does not authorize a court to determine that a document is genuine or admissible in evidence, and a request to admit a document before defendants are served and before discovery or trial is premature.

KEY QUOTATIONS

“It is not permissible for a plaintiff to, in effect, amend his complaint to assert additional facts by filing a motion for reconsideration.” (Section II)

“Rule 36 does not permit a party to request that the Court determine that any document is genuine or admissible in evidence.” (Section III)

FACTUAL BACKGROUND

Tyree is incarcerated and brought claims arising from an alleged assault by another inmate while he was housed at the South Dakota State Penitentiary. He sought additional time to identify and serve two Doe correctional officers, subpoenas for records that might identify them, reconsideration of the dismissal of his medical-care claim, and admission of a news article concerning inmate housing. The court found that the proposed subpoenas could assist in identifying the Doe defendants but that the requested admission of the article was premature because the defendants had not yet been served and no trial or hearing was scheduled.

PROCEDURAL HISTORY

Tyree commenced a § 1983 action against two unidentified correctional officers. The court dismissed his deliberate-indifference medical-care claim at screening but allowed a Fourteenth Amendment failure-to-protect claim for money damages to proceed, directing him to identify and serve the Doe defendants. The court then partially granted the motion for an extension and subpoena-related relief, denied reconsideration, and denied without prejudice the motion to admit a news article.

DISPOSITION

other

CASES CITED

- Lee v. Durbin, No. 4:22-CV-112 RLW, 2022 WL 4078869, at *1 (E.D. Mo. Sep. 6, 2022)
- Lloyd v. McKendree, 749 F.2d 705, 707 (11th Cir. 1985)
- Jackson v. Brinker, No. IP 91-471-C, 1992 WL 404537, at *7 (S.D. Ind. Dec. 21, 1992)
- Stone v. Harry, 364 F.3d 912, 914–15 (8th Cir. 2004)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)

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