

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Justin M. Lucero v. Sedgwick County Sheriff's Office

Lucero · No. 25-3229-JWL · Decided December 1, 2025

SUMMARY

The United States District Court for the District of Kansas orders pro se plaintiff Justin M. Lucero to show cause why his 42 U.S.C. § 1983 complaint should not be dismissed and permits him to file an amended complaint. The court identifies deficiencies in claims concerning jail conditions, alleged threats, the designation of the Sedgwick County Sheriff’s Office as defendant, compensatory damages, and a request for an order concerning state-court bond. The court grants the plaintiff until January 5, 2026, to respond or file a complete amended complaint.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 1, 2025
DOCKET	25-3229-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the court conducted statutory screening and issued a memorandum and order requiring Plaintiff to show cause why the complaint should not be dismissed, while granting leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In evaluating whether the complaint states a claim, the court liberally construes a pro se pleading, accepts well-pleaded allegations as true, and applies the plausibility standard.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court memorandum and order
PARTIES	Justin M. Lucero v. Sedgwick County Sheriff's Office

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

due process

pleadings

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged an Eighth or Fourteenth Amendment conditions-of-confinement claim based on delayed service of one meal, mold, pests, and inadequate cleaning.
2. Whether alleged threats to allow inmates to fight stated a constitutional claim.
3. Whether the Sedgwick County Sheriff's Office was a proper defendant capable of being sued under Kansas law.
4. Whether the complaint alleged municipal liability under § 1983 based on a county policy or custom.
5. Whether 42 U.S.C. § 1997e(e) barred compensatory damages absent an alleged physical injury.
6. Whether the court should abstain under *Younger v. Harris* from ordering bond in Lucero's pending state criminal proceedings.

HOLDINGS

1. The allegations concerning one meal served one hour after cooking, mold in one shower, mice and roaches, and infrequently cleaned floors did not adequately allege a sufficiently serious deprivation or deliberate indifference under the governing Eighth Amendment conditions-of-confinement standard.
2. The allegation that a jail official threatened to let inmates 'box' did not state a constitutional violation because the alleged threat did not create terror of instant and unexpected death or suggest deadly force.
3. The Sedgwick County Sheriff's Office was an improper defendant for the asserted claims, and the complaint also failed to allege facts establishing that a county policy or custom was the moving force behind a constitutional violation.
4. The complaint's request for compensatory damages was barred by 42 U.S.C. § 1997e(e) because Lucero alleged no physical injury or sexual act.
5. The request for an order concerning bond in Lucero's state criminal proceedings was potentially subject to mandatory *Younger* abstention because the alleged state proceedings were ongoing, implicated Kansas's important interest in enforcing its criminal laws, and provided an adequate forum for federal constitutional claims.

KEY QUOTATIONS

“The Eighth Amendment does not outlaw cruel and unusual ‘conditions’; it outlaws cruel and unusual ‘punishments.’” (III.1)

“To impose § 1983 liability on the county and its officials for acts taken by its employee, a plaintiff must show that the employee committed a constitutional violation and that a county policy or custom was “the moving force” behind the constitutional violation.” (III.2)

“Once these three conditions are met, Younger abstention is non-discretionary and, absent extraordinary circumstances, a district court is required to abstain.” (III.3.B)

FACTUAL BACKGROUND

Lucero alleged that one meal was served approximately one hour after it was cooked, that a sergeant threatened to open cell doors and allow inmates to fight, and that the jail had mold in an upper-level shower, mice and roaches, and infrequently cleaned floors. He sought \$3 million in damages and an order for release on recognizance or bond in his state criminal proceedings. He named only the Sedgwick County Sheriff's Office and did not allege facts showing a county policy or custom caused a constitutional violation.

PROCEDURAL HISTORY

Lucero, a detainee at the Sedgwick County Jail, filed a fee-paid pro se § 1983 complaint alleging inadequate food service, threatening conduct, and unsanitary conditions, and naming the Sedgwick County Sheriff's Office as the sole defendant. The district court screened the complaint under 28 U.S.C. § 1915A and identified deficiencies in the conditions-of-confinement claims, the identity of the defendant, the municipal-liability allegations, the request for compensatory damages, and the request for an order concerning a state-court bond. The court did not enter a final dismissal; instead, it ordered Lucero to show cause and allowed him to file a complete amended complaint by January 5, 2026.

DISPOSITION

other

CASES CITED

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 558, 570 (2007)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- McBride v. Deer, 240 F.3d 1287, 1291 & n.3 (10th Cir. 2001)
- Despain v. Uphoff, 264 F.3d 965, 974 (10th Cir. 2001)
- Alvarez v. Gonzales, 155 F. App'x 393, 396 (10th Cir. 2005)
- Brown v. Sedgwick County Sheriff's Office, 513 F. App'x 706, 707-08 (10th Cir. 2013)
- Hopkins v. State, 237 Kan. 601, 702 P.2d 311, 316 (1985)

- *Myers v. Oklahoma County Board of County Commissioners*, 151 F.3d 1313, 1318 (10th Cir. 1998)
- *Monell v. Department of Social Services*, 436 U.S. 658, 695 (1978)
- *City of Canton, Ohio v. Harris*, 489 U.S. 378, 385-86 (1989)
- *Searles v. Van Bebber*, 251 F.3d 869, 876 (10th Cir. 2001)
- *Younger v. Harris*, 401 U.S. 37, 44-45 (1971)
- *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423, 432 (1982)

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