

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
IOWA, WESTERN DIVISION

Rhodes v. Civil Commitment Unit for Sexual Offenders

Rhodes · No. C25-4020-LTS · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of Iowa grants Troy Jay Rhodes’s motion to proceed in forma pauperis and permits his complaint to be docketed without payment of fees. The court concludes that the Civil Commitment Unit for Sexual Offenders is not a suable person under 42 U.S.C. § 1983 and that Rhodes has no constitutional right to purchase commissary-type items online. The complaint is dismissed for failure to state a claim, and the motion to appoint counsel is denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Iowa, Western Division
WRITING FOR THE COURT	Leonard T. Strand
JURISDICTION	United States District Court for the Northern District of Iowa, Western Division
DECIDED	March 27, 2026
DOCKET	C25-4020-LTS
DISPOSITION	dismissed
PROCEDURAL POSTURE	A civilly committed plaintiff filed a pro se 42 U.S.C. § 1983 complaint, a motion to proceed in forma pauperis, and a motion to appoint counsel. The district court granted in forma pauperis status, conducted initial review under 28 U.S.C. § 1915(e)(2), dismissed the complaint for failure to state a claim, and denied appointment of counsel as moot.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court may dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court applies generally the Rule 12(b)(6) standard, liberally construes a pro se complaint, accepts non-baseless factual allegations in the plaintiff's favor, and requires enough facts to state a plausible claim for relief.

PRECEDENTIAL VALUE

unpublished district court memorandum opinion; nonprecedential

PARTIES

Troy Jay Rhodes v. Civil Commitment Unit for Sexual Offenders

TOPICS

section 1983

civil rights

due process

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner and civil commitment litigation

in forma pauperis procedure

QUESTIONS PRESENTED

1. Whether a person civilly committed to CCUSO is a prisoner subject to the PLRA's prisoner filing-fee payment provisions.
2. Whether CCUSO, a department of the State of Iowa, is a person subject to suit under 42 U.S.C. § 1983.
3. Whether the refusal to allow a civilly committed person to purchase commissary-type items online states a constitutional claim under § 1983.
4. Whether the complaint should be dismissed at initial review under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. A person civilly committed under Iowa's sexually violent predator scheme is not a prisoner within the meaning of 28 U.S.C. § 1915(h), and therefore is not subject to the PLRA's prisoner fee-payment schedule.
2. CCUSO, as a department of the State of Iowa, is not a person amenable to suit under 42 U.S.C. § 1983.
3. A confined person has no constitutional right to access a commissary or to purchase particular items, including through online shopping; therefore, CCUSO's refusal to permit online purchases did not state a constitutional violation.

KEY QUOTATIONS

“One cannot go into court and claim a ‘violation of [42 U.S.C.] § 1983’ — for [42 U.S.C.] § 1983 by itself does not protect anyone against anything.” (III.A)

“Because there is no right to access a prison commissary or to purchase particular items while in confinement, the fact that CCUSO does not allow Rhodes to purchase items online or via the internet does not amount to a violation of his constitutional rights.” (III.B)

FACTUAL BACKGROUND

Rhodes was civilly committed at the Civil Commitment Unit for Sexual Offenders in Cherokee, Iowa, after serving his criminal sentence and being found likely to commit further violent sexual offenses. He sought

permission to purchase commissary-type items online, asserting that online shopping would be less expensive and would help residents learn online shopping and related skills. The facility rejected his proposal, and he brought a § 1983 action against CCUSO alone.

PROCEDURAL HISTORY

Rhodes, a patient at Iowa's Civil Commitment Unit for Sexual Offenders, filed a complaint alleging that the facility's refusal to permit online shopping violated his rights. He sought leave to proceed without prepaying fees and appointment of counsel. The district court granted in forma pauperis status, found that the named defendant was not a suable person under § 1983 and that the alleged denial of online commissary shopping implicated no constitutional right, dismissed the complaint, and denied counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Kolocotronis v. Morgan, 247 F.3d 726, 728 (8th Cir. 2001)
- Michau v. Charleston County, S.C., 434 F.3d 725, 727-28 (4th Cir. 2006), cert. denied, 548 U.S. 910 (2006)
- Kansas v. Hendricks, 521 U.S. 346, 365-69 (1997)
- Page v. Torrey, 201 F.3d 1136, 1139-40 (9th Cir. 2000)
- Troville v. Venz, 303 F.3d 1256, 1260 (11th Cir. 2002)
- Merryfield v. Jordan, 584 F.3d 923, 927 (10th Cir. 2009)
- Hayes v. United States, 71 Fed. Cl. 366, 367 (2006)
- Floyd v. U.S. Postal Service, 105 F.3d 274, 275 (6th Cir. 1997)
- Hughes v. Rowe, 449 U.S. 5, 9 (1980)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Smith v. St. Bernards Regional Medical Center, 19 F.3d 1254, 1255 (8th Cir. 1994)
- Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Cokeley v. Endell, 27 F.3d 331, 332 (8th Cir. 1994)
- Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)
- Atkinson v. Bohn, 91 F.3d 1127, 1128-29 (8th Cir. 1996)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Monell v. Department of Social Services, 436 U.S. 658, 685 (1978)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- Chapman v. Houston Welfare Rights Organization, 441 U.S. 600, 617 (1979)

- *Maine v. Thiboutot*, 448 U.S. 1, 4 (1980)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003)
- *Allan v. Gandhi*, No. 24-CV-3088, 2025 WL 1373043, at *3 (D. Minn. Apr. 21, 2025), report and recommendation adopted, No. 24-CV-3088, 2025 WL 1371888 (D. Minn. May 12, 2025)
- *Nelson v. Shuffman*, 603 F.3d 439, 446 & n.3 (8th Cir. 2010)
- *Kahle v. Leonard*, 477 F.3d 544, 550 (8th Cir. 2007)
- *Smith v. Lisenbe*, 73 F.4th 596, 600 (8th Cir. 2023)
- *Hartsfield v. Colburn*, 371 F.3d 454, 457 (8th Cir. 2004)
- *Smith v. Conway County, Ark.*, 759 F.3d 853, 858 (8th Cir. 2014)
- *Walton v. Dawson*, 752 F.3d 1109, 1117 (8th Cir. 2014)
- *Schmidt v. City of Bella Villa*, 557 F.3d 564, 571 (8th Cir. 2009)
- *Poole v. Stubblefield*, 2005 WL 2290450, at *2 (E.D. Mo. Sept. 20, 2005)
- *Bright v. Thompson*, 2011 WL 2215011, at *4 (W.D. Ky. June 6, 2011)
- *Vega v. Rell*, 2011 WL 2471295, at *25 (D. Conn. June 21, 2011)
- *Boyd v. Lasher*, 2010 WL 444778, at *2 (E.D. La. Feb. 8, 2010)
- *Verrette v. Randolph*, 2009 WL 103715, at *9 (E.D. La. 2009)
- *Tolbert v. City of Montgomery*, 2008 WL 819067, at *1 (M.D. Ala. Mar. 25, 2008)
- *McCall v. Keefe Supply Co.*, 71 F. App'x 779, 780 (10th Cir. 2003)
- *Roberts v. Nixon*, No. 1:14-CV-35, 2014 WL 1648840, at *2 (E.D. Mo. Apr. 24, 2014)
- *Davis v. Shaw*, No. 08 CIV. 364, 2009 WL 1490609, at *1 (S.D.N.Y. May 20, 2009)
- *Daywitt v. Harpstead*, No. 20-CV-1743 (NEB/ECW), 2023 WL 6366610, at *5, *7 (D. Minn. Sept. 29, 2023), aff'd, No. 24-1138, 2024 WL 4234951 (8th Cir. Sept. 19, 2024)
- *Turner v. Safley*, 482 U.S. 78, 85 (1987)

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