

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Timmy Kinner v. IDOC Attorney General 2022 to current; Klinton Hust, IDOC Interstate Compact Coordinator; IDOC Wardens; Josh Tewalt; and Marissa Doan (I.C.C.)

Kinner · No. 1:25-cv-00056-AKB · Decided March 10, 2026

SUMMARY

The United States District Court for the District of Idaho conducts a successive screening review of Timmy Kinner’s amended prisoner civil-rights complaint against Idaho Department of Correction officials. The court concludes that Kinner is subject to the Prison Litigation Reform Act’s three-strikes provision, finds that several allegations are untimely or insufficiently specific, and continues the case in the pre-litigation screening phase. The court orders a Martinez report addressing Kinner’s safety, correspondence, medical and prison records, and IDOC supervisory responsibilities.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	Amanda K. Brailsford
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 10, 2026
DOCKET	1:25-cv-00056-AKB
DISPOSITION	other
PROCEDURAL POSTURE	Successive screening review of an amended prisoner civil-rights complaint under the Prison Litigation Reform Act. The court granted motions to amend and review, denied the motion for a jury trial as premature, continued the case in the pre-litigation screening phase, and ordered a limited Martinez report.
STANDARD OF REVIEW	Screening review of a prisoner's amended complaint under the Prison Litigation Reform Act, including review of whether the three-strikes imminent-danger exception may apply and whether the pleading states a plausible constitutional claim.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Timmy Kinner v. IDOC Attorney General 2022 to current, Klinton Hust, IDOC Interstate Compact Coordinator, IDOC Wardens, Josh

TOPICS

prisoners rights section 1983 civil procedure statute of limitations

PRACTICE AREAS

prisoner civil rights civil procedure federal courts

QUESTIONS PRESENTED

1. Whether Plaintiff is subject to the PLRA three-strikes provision and must satisfy the imminent-danger exception to proceed in forma pauperis.
2. Whether the amended complaint adequately alleges personal participation or a sufficient causal connection by Idaho supervisory officials to constitutional violations occurring in Florida.
3. Whether the court should continue pre-litigation screening and order a Martinez report to develop facts concerning Plaintiff's alleged ongoing danger, correspondence, injuries, and supervisory structure.
4. Whether Plaintiff's claims arising from events between 2018 and 2022 are barred by the applicable two-year statute of limitations.

HOLDINGS

1. Plaintiff became subject to the PLRA three-strikes provision on April 21, 2023, before filing this action, because he had at least three qualifying prior dismissals. Accordingly, he may proceed in forma pauperis only if he satisfies the imminent-danger exception; otherwise, he must pay the filing fee.
2. The court did not finally determine whether Plaintiff satisfied the imminent-danger exception; instead, it continued screening and ordered factual development concerning the alleged ongoing danger and its nexus to the claims.
3. Respondeat superior does not impose § 1983 liability merely because a defendant supervised the person who allegedly committed the constitutional violation. A supervisor may be liable only upon personal involvement or a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation.
4. A district court may, in an appropriate case, order a reasonably tailored Martinez-style report during pre-litigation screening to obtain information needed to assess the case and make a screening determination.

KEY QUOTATIONS

“The theory of liability against “respondeat superior” defendants—that a person is liable merely for being the supervisor of a tortfeasor—does not apply to federal civil rights claims.”

“As a permissible option within its broad discretion, a district court in an appropriate case can issue a Martinez-style order that is reasonably tailored to the pretrial needs of the district court to assess the case.”

FACTUAL BACKGROUND

Plaintiff is an Idaho prisoner housed in a Florida facility under an interstate compact. He alleged that Idaho officials disclosed information about his convictions to Florida prison staff, causing him to be endangered, and that Idaho officials failed to respond adequately to his safety concerns or properly supervise Florida officials. He also alleged continuing assaults, threats, and severe injuries by Florida correctional officers, including a broken arm, and submitted later filings asserting an ongoing risk of death or serious harm.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action and was ordered to file a second amended complaint to correct deficiencies. After reviewing the amended complaint and supplemental filings, the court determined that Plaintiff is subject to the PLRA three-strikes provision but that further factual development was needed regarding his alleged ongoing danger, the conduct of Idaho officials, and his safety in Florida. The court therefore continued screening, directed service of the order and pleadings on defense counsel for a limited appearance, and required a Martinez report followed by Plaintiff's response.

DISPOSITION

other

CASES CITED

- Kinner v. State of Tennessee, No. 2:13-cv-2732-JDT-cgc (W.D. Tenn. Jan. 15, 2014)
- Kinner v. Ada County Prosecutor's Office, No. 1:21-cv-128-DCN (D. Idaho Sept. 14, 2021)
- Kinner v. Reed, No. 3:23-cv-00465-BJD-MCR (M.D. Fla. Apr. 21, 2023)
- Kinner v. FDOC Director(s), No. 3:25-cv-92-WWB-SJH (M.D. Fla. Mar. 27, 2025)
- Kinner v. FDOC Director, et al., No. 3:25-cv-00367-WWB-SJH (M.D. Fla.)
- Kinner v. Moore, No. 3:24-cv-01131-JEP-SJH (M.D. Fla.)
- Kinner v. Cartwright, No. 3:24-cv-01294-WWB-MCR (M.D. Fla.)
- Starr v. Baca, 652 F.3d 1202, 1207-08 (9th Cir. 2011)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Andrews v. Cervantes, 493 F.3d 1047, 1053, 1057 (9th Cir. 2007)
- Williams v. Paramo, 775 F.3d 1182, 1187, 1190 (9th Cir. 2015)
- Martinez v. Aaron, 570 F.2d 317, 319 (10th Cir. 1978)
- In re Arizona, 528 F.3d 652, 659 (9th Cir. 2008)
- State of Idaho v. Timmy Earl Kinner, Jr., Case CR01-18-31475