

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Randall Edward Fletcher v. Rick Whitten, et al.

Fletcher v. Whitten · No. CIV-24-692-SLP · Decided December 2, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation and dismissed without prejudice a pro se state prisoner’s 42 U.S.C. § 1983 action. The court rejected or deemed waived the plaintiff’s objections concerning due process, equal protection, First Amendment, and Eighth Amendment claims, and concluded that the First Amendment telephone-privileges claim was moot. The court also dismissed without prejudice related claims involving collective punishment and alleged violations of evidentiary rules.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Scott L. Palk
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 2, 2025
DOCKET	CIV-24-692-SLP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review of a magistrate judge's report and recommendation recommending dismissal of a pro se prisoner's 42 U.S.C. § 1983 complaint after screening under 28 U.S.C. §§ 1915A(a) and 1915(e) (2).
STANDARD OF REVIEW	De novo review of the portions of the report and recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3); failure to make a specific objection waives further review.
PRECEDENTIAL VALUE	Unknown
PARTIES	Randall Edward Fletcher v. Rick Whitten, David Rogers, Chris Mattingly, Chrystal Bryant, Mark Knutson, Securus Technologies

TOPICS

section 1983

prisoners rights

procedural due process

motions to dismiss

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff identified a protected liberty interest sufficient to support a Fourteenth Amendment procedural due process claim based on disciplinary procedures, security-classification changes, earned-credit or participation records, and telephone restrictions.
2. Whether Plaintiff stated an Equal Protection claim by alleging differential treatment based on membership in a protected or otherwise cognizable class.
3. Whether Plaintiff's First Amendment claim concerning a completed restriction on telephone privileges remained justiciable under the capable-of-repetition exception to mootness.
4. Whether the discipline imposed on Plaintiff stated an Eighth Amendment cruel-and-unusual-punishment claim.
5. Whether alleged violations of Oklahoma Department of Corrections policies, collective punishment, and rules of evidence stated independent claims warranting relief.

HOLDINGS

1. Plaintiff failed to state a procedural due process claim because he did not identify a protected liberty interest. The possibility that changes in classification or participation records might affect future discretionary parole consideration was too speculative to create a protected liberty interest.
2. Plaintiff failed to state an Equal Protection claim because he did not show that he was a member of a class of individuals treated differently, and he waived review by failing to specifically object to the magistrate judge's findings.
3. Plaintiff's First Amendment claim concerning the telephone restriction was moot because the sanction had already been completed, and the capable-of-repetition exception did not apply.
4. The Eighth Amendment claim was subject to dismissal because Plaintiff did not specifically object to the magistrate judge's conclusion that the discipline imposed did not constitute cruel and unusual punishment.
5. Alleged violations of Oklahoma Department of Corrections policies did not constitute standalone § 1983 claims, and Plaintiff's collective-punishment and rules-of-evidence allegations were dismissed without prejudice because they were intertwined with the dismissed constitutional claims and were not supported by specific legal arguments.

KEY QUOTATIONS

“To demonstrate there is a reasonable expectation that they could be subjected to the same actions, a plaintiff “must show a real or immediate threat he will be wronged again— speculation and conjecture will not suffice.”” (Section II.c)

“the possibility that Marshall’s misconduct conviction could have a negative impact on his parole consideration did not implicate a protected liberty interest.” (Section II.a)

FACTUAL BACKGROUND

Plaintiff was incarcerated at North Fork Correctional Center when the alleged events occurred and was later transferred to Great Plains Correctional Center. He alleged that prison officials and an Oklahoma Department of Corrections contractor restricted his access to evidence during a disciplinary hearing, imposed discipline including a 92-day restriction on telephone privileges, and violated his rights under the First, Eighth, and Fourteenth Amendments. He also alleged violations of state law, prison policies, and unspecified rules of evidence.

PROCEDURAL HISTORY

Plaintiff, an Oklahoma state prisoner proceeding pro se and in forma pauperis, filed a § 1983 action alleging constitutional, state-law, and evidentiary violations arising from a prison disciplinary proceeding and a restriction on telephone privileges. The magistrate judge recommended dismissal without prejudice. After reviewing Plaintiff's objection de novo to the extent it raised specific objections, the district court adopted the report and recommendation and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Hooper v. Stitt, No. CIV-22-988-D, 2023 WL 2432038 (W.D. Okla. Mar. 9, 2023), aff'd, No. 23-6049, 2023 WL 5923920 (10th Cir. Sept. 12, 2023)
- Mathews v. Elhabte, No. 22-6031, 2022 WL 3592550, at *2 (10th Cir. Aug. 23, 2022)
- United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- Hall v. Bellmon, 935 F.2d 1106, 1109 (10th Cir. 1991)
- Harrison v. Morton, 490 F. App'x 988, 993 (10th Cir. 2012)
- Elliot v. Martinez, 675 F.3d 1241, 1244 (10th Cir. 2012)
- Sandin v. Conner, 515 U.S. 472, 487 (1995)
- Marshall v. Morton, 421 F. App'x 832, 838 (10th Cir. 2011)
- Griffith v. Bryant, 625 F. App'x 914, 917 (10th Cir. 2015)
- Gaines v. Stenseng, 292 F.3d 1222, 1225 (10th Cir. 2002)
- Heidel v. Mazzola, 851 F. App'x 837, 840 (10th Cir. 2021)
- McAlpine v. Thompson, 187 F.3d 1213, 1216 (10th Cir. 1999)
- Burnett v. Fallin, 785 F. App'x 546, 552 (10th Cir. 2019)
- Jordan v. Sosa, 654 F.3d 1012, 1028 (10th Cir. 2011)

- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Heck v. Humphrey, 512 U.S. 477 (1994)

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