

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

**Joshua John Nelson v. Correctional Medical Management; Mental
Health Correctional Officers; and Minnehaha County Jail Medical
Staff, in their individual and official capacities**

Nelson v. Correctional Medical Management · No. 4:25-CV-04160-RAL · Decided April 21, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Joshua John Nelson leave to proceed in forma pauperis and orders installment payments toward the filing fee. On screening under 28 U.S.C. § 1915A, the court dismisses without prejudice Nelson’s claims against Correctional Medical Management, Minnehaha County Jail, unidentified jail personnel, and Minnehaha County for failure to state a claim. The court also directs the institution holding Nelson in custody to forward qualifying monthly payments toward the filing fee.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	April 21, 2026
DOCKET	4:25-CV-04160-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; the court granted leave to proceed in forma pauperis and conducted mandatory screening under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court assumed the truth of well-pleaded factual allegations, liberally construed the pro se complaint, and assessed whether it was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished

TOPICS

prisoners rights

section 1983

health law

municipal liability

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

medical negligence

municipal liability

civil procedure

QUESTIONS PRESENTED

1. Whether Nelson was entitled to proceed in forma pauperis and whether the initial partial filing fee could be waived under the PLRA.
2. Whether the complaint stated a plausible § 1983 claim against Correctional Medical Management without allegations of personal involvement or an unconstitutional policy or custom.
3. Whether Minnehaha County Jail was a suable entity under § 1983.
4. Whether claims against unnamed jail medical staff, mental-health correctional officers, and correctional officers in their individual capacities stated a claim when no individuals were identified or linked to particular conduct.
5. Whether official-capacity claims stated a § 1983 claim against Minnehaha County absent allegations that a county policy or custom caused the alleged constitutional violations.
6. Whether Nelson stated a state-law medical-negligence or malpractice claim against Correctional Medical Management or Minnehaha County.

HOLDINGS

1. Nelson was granted leave to proceed in forma pauperis, and the court waived the initial partial filing fee because his account balance was insufficient to pay it; he remained responsible for the full filing fee through the PLRA installment process.
2. The entire complaint was subject to screening under § 1915A because it sought redress from employees of a governmental entity, and the presence of a private medical contractor did not prevent screening of the whole complaint.
3. The § 1983 claims against Correctional Medical Management were dismissed without prejudice because the complaint alleged no personal involvement by CMM or its agents and did not allege an unconstitutional policy or custom causing the injury.
4. The claims against Minnehaha County Jail were dismissed without prejudice because a county jail is not a legal entity subject to suit under § 1983.
5. The individual-capacity claims against unnamed medical staff, mental-health correctional officers, and correctional officers were dismissed without prejudice because Nelson did not identify the individuals or allege which person personally participated in the asserted violations.
6. The official-capacity § 1983 claims were dismissed without prejudice because Nelson did not allege that a Minnehaha County policy or custom caused the alleged constitutional violations.

7. The state-law negligence and malpractice claims against CMM and, to the extent asserted, Minnehaha County, were dismissed without prejudice because Nelson failed to identify the provider, the essential facts or equipment allegedly omitted or unavailable, the applicable breach, or how the conduct caused injury.

KEY QUOTATIONS

“Under the Prison Litigation Reform Act (PLRA), a prisoner who “brings a civil action or files an appeal in forma pauperis . . . shall be required to pay the full amount of a filing fee.”” (at 1)

“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.” (at 3)

“A proper § 1983 claim requires factual details about a defendant’s personal involvement in the violation of a plaintiff’s rights.” (at 6)

“A § 1983 complaint need not “specifically plead the existence of an unconstitutional policy or custom to survive a motion to dismiss.”” (at 7)

“County jails are not legal entities amenable to suit.” (at 8)

“A local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents.” (at 10)

FACTUAL BACKGROUND

Nelson alleged that, during his confinement at the Minnehaha County Jail, his medical and mental-health needs were not taken seriously and that access to care was denied or delayed. He alleged that correctional officers moved him to a smaller unit where he was threatened and later moved him back to another unit, where he witnessed another inmate attempt suicide by hanging and summoned assistance. The complaint named Correctional Medical Management, Mental Health Correctional Officers, Minnehaha County Jail Medical Staff, and Minnehaha County Jail, but did not identify individual defendants or allege specific conduct by CMM or a county policy or custom.

PROCEDURAL HISTORY

Nelson filed a complaint arising from his confinement at the Minnehaha County Jail and moved to proceed in forma pauperis. The court granted in forma pauperis status, waived the initial partial filing fee, and ordered installment payments under the Prison Litigation Reform Act. After screening the complaint, the court dismissed without prejudice all claims against Correctional Medical Management, Minnehaha County Jail, unnamed jail staff in their individual capacities, unnamed staff in their official capacities, and any vicarious-liability negligence claim against Minnehaha County.

DISPOSITION

other

CASES CITED

- Henderson v. Norris, 129 F.3d 481, 483 (8th Cir. 1997) (per curiam)
- McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)
- In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997)
- Keith v. Summers, No. 4:24-CV-04077-LLP, 2025 WL 267049, at *2 (D.S.D. Jan. 21, 2025)
- Borger v. Welbig, No. 4:24-CV-04090-ECS, 2025 WL 1111312, at *3 (D.S.D. Apr. 15, 2025)
- Ehlers v. U.S. Navy, No. 16-CV-30 (DWE/TNL), 2016 WL 1592478, at *2 (D. Minn. Mar. 14, 2016)
- Estate of Rosenberg v. Crandell, 56 F.3d 35, 36 (8th Cir. 1995)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Bediako v. Stein Mart, Inc., 354 F.3d 835, 839 (8th Cir. 2004)
- Martin v. Sargent, 780 F.2d 1334, 1337-38 (8th Cir. 1985)
- Ellis v. City of Minneapolis, 518 F. App'x 502, 504 (8th Cir. 2013) (per curiam)
- Davis v. Hall, 992 F.2d 151, 152 (8th Cir. 1993) (per curiam)
- Parker v. Porter, 221 F. App'x 481, 482 (8th Cir. 2007) (per curiam)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Beavers v. Lockhart, 755 F.2d 657, 663 (8th Cir. 1985)
- Abdullah v. Minnesota, 261 F. App'x 926, 927 (8th Cir. 2008) (per curiam)
- Braden v. Wal-Mart Stores, Inc., 588 F.3d 585, 594 (8th Cir. 2009)
- Pennington v. Morgan, No. 24-CV-00838, 2025 WL 348609, at *2 (W.D. Va. Jan. 30, 2025)
- Startup v. Bear Stearns Residential Mortgage Corp., No. 10-01961, 2011 WL 13227926, at *2 (C.D. Cal. Feb. 14, 2011)
- Jones v. Town of Quartzsite, No. CV-13-02170, 2015 WL 12551172, at *5 (D. Ariz. Mar. 30, 2015)
- Hobson v. Temple-Inlet, No. 07-1318, 2007 WL 3101837, at *2 (D. Ariz. Oct. 22, 2007)
- Burke v. N.D. Department of Corrections & Rehabilitation, 294 F.3d 1043, 1044 (8th Cir. 2002) (per curiam)
- Sanders v. Sears, Roebuck & Co., 984 F.2d 972, 975-76 (8th Cir. 1993)
- Monell v. Department of Social Services, 436 U.S. 658, 690, 694 (1978)
- Phillips v. Rose, No. 4:23-CV-00825-JSD, 2023 WL 5748434, at *6 (E.D. Mo. Sept. 6, 2023)
- Johnson v. Hamilton, 452 F.3d 967, 973 (8th Cir. 2006)
- Crumpley-Patterson v. Trinity Lutheran Hospital, 388 F.3d 588, 591 (8th Cir. 2004)
- S.J. v. Kansas City Missouri Public School District, 294 F.3d 1025, 1028 (8th Cir. 2002)
- Doe ex rel. Doe v. School District, 340 F.3d 605, 614 (8th Cir. 2003)
- Owens v. Scott County Jail, 328 F.3d 1026, 1027 (8th Cir. 2003) (per curiam)
- Swierkiewicz v. Sorema, 534 U.S. 506, 512 (2002)
- Tatone v. SunTrust Mortgage, Inc., 857 F. Supp. 2d 821, 831 (D. Minn. 2012)
- Johnson v. Outboard Marine Corp., 172 F.3d 531, 535 (8th Cir. 1999)
- Clay v. Conlee, 815 F.2d 1164, 1170 (8th Cir. 1987)
- Brewington v. Keener, 902 F.3d 796, 801 (8th Cir. 2018)

- Corwin v. City of Independence, 829 F.3d 695, 700 (8th Cir. 2016)
- Hunter v. Haas, No. 4:24-CV-04170-CCT, 2025 WL 2830261, at *5 (D.S.D. Oct. 6, 2025)
- Hanson v. Big Stone Therapies, Inc., 916 N.W.2d 151, 158 (S.D. 2018)
- Hamilton v. Sommers, 855 N.W.2d 855, 861 (S.D. 2014)
- Magbuhat v. Kovarik, 382 N.W.2d 43, 46 (S.D. 1986)
- Sheard v. Hattum, 965 N.W.2d 134, 143 (S.D. 2021)
- Dulany v. Carnahan, 132 F.3d 1234, 1239 (8th Cir. 1997)
- Coleman v. Rahija, 114 F.3d 778, 784 (8th Cir. 1997)
- Presson v. Reed, 65 F.4th 357, 366 (8th Cir. 2023)
- Davis v. Buchanan County, 11 F.4th 604, 623-24 (8th Cir. 2021)

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