

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

Easton Lloyd Mercy v. Weston Bettelyoun

5:25-CV-05068-RAL · No. 5:25-CV-05068-RAL · Decided February 17, 2026

SUMMARY

The United States District Court for the District of South Dakota dismissed Easton Lloyd Mercy’s pro se 42 U.S.C. § 1983 complaint without prejudice. The court denied Mercy’s motion to amend because the proposed amended complaint did not allege that Pennington County had an unconstitutional policy or custom, and therefore would be futile. The court also explained that a county jail is not an entity amenable to suit under § 1983 and directed the Clerk to provide new pro se prisoner § 1983 forms.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	February 17, 2026
DOCKET	5:25-CV-05068-RAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; after the complaint was screened and dismissed without prejudice, the plaintiff moved to amend.
STANDARD OF REVIEW	A proposed amendment may be denied as futile when the amended complaint could not withstand a Rule 12(b)(6) motion to dismiss; prisoner complaints are screened under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- section 1983
- prisoners rights
- municipal liability
- motion to amend
- motions to dismiss

PRACTICE AREAS

- civil rights
- prisoner civil rights
- municipal liability
- civil procedure

QUESTIONS PRESENTED

1. Whether Mercy should be granted leave to amend his complaint to name Pennington County as the defendant.
2. Whether the proposed amended complaint was futile because it failed to allege an unconstitutional policy or custom attributable to Pennington County.
3. Whether the complaint should be dismissed without prejudice for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).

HOLDINGS

1. Leave to amend may be denied when the proposed amended pleading would be futile, meaning it could not withstand a Rule 12(b)(6) motion to dismiss.
2. A local government cannot be held liable under § 1983 solely for injuries inflicted by its employees; liability requires an unconstitutional policy or custom that caused the constitutional violation.
3. A county jail is not a legal entity amenable to suit under 42 U.S.C. § 1983.

KEY QUOTATIONS

“Although leave to amend a complaint ‘should be freely granted,’ it may be denied if the proposed amended pleading would be futile.”

“a local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents.”

“county jails are not legal entities amenable to suit.”

FACTUAL BACKGROUND

Mercy, an inmate at the Pennington County Jail, filed a pro se § 1983 complaint concerning alleged constitutional violations. He initially sued correctional officer Weston Bettelyoun in his official capacity, which the court treated as a claim against Pennington County. Mercy's proposed amended complaint named Pennington County as the defendant but did not allege that an unconstitutional county policy or custom caused the alleged violations.

PROCEDURAL HISTORY

Mercy sued Weston Bettelyoun, a correctional officer, in his official capacity. The court previously screened and dismissed the claims without prejudice because Mercy did not allege that Pennington County had a policy or custom causing a constitutional violation, while allowing an opportunity to amend. Mercy moved to amend and submitted a proposed amended complaint naming Pennington County, but the court denied leave because the proposed amendment was futile and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Ingrim v. State Farm Fire & Casualty Co., 249 F.3d 743, 745 (8th Cir. 2001)
- Wald v. Southwestern Bell Corp. Customcare Medical Plan, 83 F.3d 1002, 1005 (8th Cir. 1996)
- Zutz v. Nelson, 601 F.3d 842, 850 (8th Cir. 2010)
- Cornelia I. Crowell GST Trust v. Possis Medical, Inc., 519 F.3d 778, 782 (8th Cir. 2008)
- Marquez v. Peterson, No. 5:24-CV-05041-KES, 2025 WL 815208, at *4 (D.S.D. Mar. 13, 2025)
- Johnson v. Outboard Marine Corp., 172 F.3d 531, 535 (8th Cir. 1999)
- Owens v. Scott County Jail, 328 F.3d 1026, 1027 (8th Cir. 2003)

OPINION

Mercy

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

EASTON LLOYD MERCY, 5:25-CV-05068-RAL

Plaintiff,

ORDER DISMISSING COMPLAINT

vs. WESTON BETTELYOUN, Correctional Officer Pennington County Jail, official capacity, Defendant. Plaintiff Easton Lloyd Mercy, an inmate at the Pennington County Jail, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. Mercy brought claims against Weston Bettelyoun, a correctional officer at the Pennington County Jail, in his official capacity only. Id. at 2,4. This Court screened Mercy's complaint and dismissed Mercy's claims against Bettelyoun. Doc. 22. The Court informed Mercy that his claim against Bettelyoun in his official capacity as a correctional officer at the Pennington County Jail was, in effect, against Pennington County, the governmental entity employing Bettelyoun. Id. at 5. And, "a local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents." Monell v. Dep't of Soc. Servs., 436 U.S. 658, 694 (1978); see also Doc. 22 at 6. The Court informed Mercy that because he did not allege that Pennington County had a policy or custom that caused a violation of his federal rights, his claim against Pennington County, and therefore Bettelyoun in his official capacity, was dismissed without prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(1) and 1915A(b)(1). Doc. 22 at 6. The Court, however, informed Mercy that it would delay in entering judgment to allow Mercy the opportunity to amend his complaint should he wish to do so. Id. at 6-7. Mercy subsequently filed a motion to amend his complaint, stating "I wish to Amend my original complaint by adding Pennington County as the Defendant." Doc. 23 at 1. But because this did not comply with LR 15.1 of the Civil Local Rules of Practice for the District of South Dakota, the Court issued an order on February 10, 2026,

denying Mercy's motion to amend his complaint and giving him until March 12, 2026, to file an amended complaint that complied with this Court's local rules. Doc. 24. On February 12, 2026, the Court received a proposed amended complaint from Mercy. Doc. 25. The proposed amended complaint was dated February 9, 2026, and postmarked February 11, 2026, meaning that Mercy had not seen the Court's order denying his motion to amend his complaint for failure to submit a proposed amended complaint. *Id.* at 5,6. Even though Mercy has complied with this Court's local rules by submitting a proposed amended complaint, this Court still must deny Mercy's motion to submit an amended complaint because his proposed claims are futile. "Although leave to amend a complaint 'should be freely granted,' it may be denied if the proposed amended pleading would be futile." *Ingrim v. State Farm Fire & Cas. Co.*, 249 F.3d 743, 745 (8th Cir. 2001) (quoting *Wald v. Sw. Bell Corp. Customcare Med. Plan*, 83 F.3d 1002, 1005 (8th Cir. 1996)). "Denial of a motion for leave to amend on the basis of futility 'means the district court has reached the legal conclusion that the amended complaint could not withstand a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure.'" *Zutz v. Nelson*, 601 F.3d 842, 850 (8th Cir. 2010) (*Cornelia I. Crowell GST Trust v. Possis Med., Inc.*, 519 F.3d 778, 782 (8th Cir. 2008)). In his proposed amended complaint, Mercy alleges essentially the same claims and statement of facts that he asserted in his original complaint, with the only major difference being that his amended complaint lists Pennington County as the only defendant.' Compare Doc. 1, with Doc. 25. In its screening order, this Court informed Mercy that a county "can only be held liable for the unconstitutional acts of its employees under § 1983 'when those acts implement or execute an unconstitutional policy or custom of the [political] subdivision.'" *Marquez v. Peterson*, No. 5:24-CV-05041-KES, 2025 WL 815208, at *4 (D.S.D. Mar. 13, 2025) (quoting *Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 535 (8th Cir. 1999)); Doc. 22 at 6. Mercy's proposed amended complaint only lists Pennington County as a defendant and does not allege that an unconstitutional policy or custom existed. See Doc. 25. Because his proposed amended complaint is futile, Mercy's motion to amend his complaint must be denied. In accordance with its previous screening order, Doc. 22, Mercy's complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). Because this dismissal is without prejudice, Mercy's claims may be re-filed in a new lawsuit. Mercy may file a complaint in a new action asserting claims against defendants in their proper capacities and requesting injunctive or monetary relief. ' Mercy may have intended to list Pennington County Jail as a defendant. See Doc. 25 at 2. But even if this is the defendant Mercy intended to name, his proposed amended complaint remains futile because a county jail is not an entity amenable to suit under 28 U.S.C. § 1983. See *Owens v. Scott Cnty. Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003) ("county jails are not legal entities amenable to suit."). Accordingly, it is ORDERED that Mercy's complaint, Doc. 1, is dismissed without prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). It is further ORDERED that the Clerk of Court send Mercy new pro se prisoner § 1983 forms. DATED February 17, 2026.

2026. BY THE COURT:
CHIEF JUDGE

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