

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PRECEDENTIAL VALUE	unpublished district court order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)
- Ingram 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)

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