

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Donald Powell v. Ruth Ann Dickerson et al.

Powell · No. 1:25-CV-00146-NCC · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants Donald Powell leave to proceed in forma pauperis and assesses an initial partial filing fee of \$1.00. The court dismisses without prejudice Powell’s 42 U.S.C. § 1983 claims against Cape Girardeau County officials because he sued them only in their official capacities and did not plausibly allege a county policy, custom, or failure to train, and denies appointment of counsel as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	A. Ross
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	January 13, 2026
DOCKET	1:25-CV-00146-NCC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A self-represented inmate filed a 42 U.S.C. § 1983 action against two county officials, sought leave to proceed in forma pauperis and requested appointed counsel. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed the action without prejudice for failure to state a claim, and denied appointment of counsel as moot.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. In assessing failure to state a claim, the court accepts well-pleaded facts as true, liberally construes a self-represented litigant's allegations, and determines whether the complaint states a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

section 1983

prisoners rights

civil rights

pleadings

due process

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether Powell's official-capacity § 1983 claims plausibly alleged that a Cape Girardeau County policy, widespread custom, or deliberately indifferent failure to train caused the alleged constitutional violations.
2. Whether the court could construe Powell's complaint as asserting individual-capacity claims despite his express designation of the defendants in their official capacities only.
3. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. Official-capacity claims against county employees are claims against the governmental entity, and the plaintiff must plausibly allege that a county policy, widespread custom, or deliberately indifferent failure to train caused the constitutional violation. Powell's allegation that the jail failed to accommodate his injuries, without more, did not plausibly allege such a policy, custom, or failure to train.
2. When a complaint expressly designates defendants as sued in their official capacities only, the court will not construe the complaint as asserting individual-capacity claims on the plaintiff's behalf.
3. The action must be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

“To maintain a claim against the County, Powell would need to plausibly allege that the challenged conduct resulted from a County policy, a widespread custom, or a deliberately indifferent failure to train.” (IV. Discussion)

“IT IS FURTHER ORDERED that this case is DISMISSED without prejudice.” (V. Conclusion)

FACTUAL BACKGROUND

Powell, formerly confined at the Cape Girardeau Sheriff's Office jail, alleged that he slipped and fell in a jail shower on August 13, 2025, injuring his back and neck. After hospital imaging revealed no broken bones, he returned to the jail and alleged continuing daily pain, use of a wheelchair, and inadequate follow-up treatment and accommodations. He sued the sheriff and jail administrator in their official capacities and sought \$1 million in damages.

PROCEDURAL HISTORY

Powell sued Cape Girardeau County Sheriff Ruth Ann Dickerson and Jail Administrator Richard Russian in their official capacities based on alleged inadequate medical treatment and accommodations after a jail shower accident. The court granted his motion to proceed in forma pauperis, assessed a \$1.00 initial partial filing fee, and dismissed the complaint under the mandatory screening provision of 28 U.S.C. § 1915(e)(2)(B).

DISPOSITION

dismissed

CASES CITED

- Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556 (2007)
- White v. Clark, 750 F.2d 721, 722 (8th Cir. 1984)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004)
- White v. Jackson, 865 F.3d 1064, 1075 (8th Cir. 2017)
- Mick v. Raines, 883 F.3d 1075, 1079 (8th Cir. 2018)
- Reynolds v. Cook, No. 24-1618, 2025 WL 670428, at *1 (8th Cir. Mar. 3, 2025)
- Madewell v. Roberts, 909 F.2d 1203, 1208 (8th Cir. 1990)
- Keeper v. King, 130 F.3d 1309, 1314 (8th Cir. 1997)