

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Ticey Hayes v. Behm, et al.

Hayes · No. 3:25-cv-294 (SRU) · Decided November 24, 2025

SUMMARY

In this initial review order, the United States District Court for the District of Connecticut evaluates pro se plaintiff Ticey Hayes’s claims under 42 U.S.C. § 1983 arising from his designation in the prison Security Risk Group Program and assaults by other inmates. The court permits certain First Amendment retaliation, Eighth Amendment deliberate-indifference, and Fourteenth Amendment due-process claims to proceed against specified defendants in their individual capacities, while dismissing other claims and official-capacity claims for monetary or injunctive relief.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Stefan R. Underhill
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	November 24, 2025
DOCKET	3:25-cv-294 (SRU)
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se prisoner's amended 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss any portion of a prisoner's complaint that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Applying the Rule 8 and plausibility standards, the court construed the pro se complaint liberally and accepted well-pleaded factual allegations for purposes of initial review.
PRECEDENTIAL VALUE	unpublished district court initial review order; persuasive authority only
PARTIES	Ticey Hayes v. Behm, Cyr, Concepcion, Papoosha, Reyes, Borkowski, Jennifer Reis, Jesus Guadarrama

TOPICS

section 1983

prisoners rights

civil rights

first amendment

procedural due process

PRACTICE AREAS

civil rights

constitutional law

prisoner civil rights

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated a First Amendment retaliation claim.
2. Whether the amended complaint plausibly stated an Eighth Amendment deliberate-indifference-to-safety claim against the correctional defendants.
3. Whether the amended complaint plausibly stated Fourteenth Amendment procedural due process claims arising from SRG classification and protective-custody placement.
4. Whether official-capacity claims for damages and prospective injunctive or declaratory relief could proceed.
5. Whether counsel should be appointed for the pro se plaintiff.

HOLDINGS

1. The complaint plausibly stated a First Amendment retaliation claim against Behm because Hayes alleged that, after filing the lawsuit, Behm made comments about inmates waiting to assault him and Hayes was placed in a unit where he could again be assaulted.
2. The complaint plausibly stated Eighth Amendment deliberate-indifference-to-safety claims against Behm, Cyr, Reyes, Borkowski, Concepcion, Papoosha, and Warden Guadarrama, but not against Reis.
3. The complaint plausibly stated procedural due process claims against Borkowski and Reyes based on the alleged SRG designation without reliable supporting evidence.
4. The Fourteenth Amendment due process claims against Papoosha and Reis could not proceed.
5. Official-capacity claims for monetary damages were dismissed as barred by the Eleventh Amendment.
6. Hayes's official-capacity claims for injunctive and declaratory relief were dismissed.
7. The motion to appoint counsel was denied without prejudice.

KEY QUOTATIONS

“Constitutional liability attaches, however, only when a plaintiff can prove that an official acted with “deliberate indifference to a substantial risk of serious harm to an inmate.”” (III.B)

“A decision to place an inmate on SRG status must not only be supported by “some evidence[;]” that evidence must also be reliable.” (III.C)

“All other claims are dismissed without prejudice, and Reis is terminated as a defendant.” (V)

FACTUAL BACKGROUND

Hayes alleged that correctional officials designated him as a member of the Security Risk Group program despite his denial of gang affiliation and despite alleged knowledge that other inmates intended to assault him. He alleged that officials placed him in recreation with those inmates while he remained handcuffed, resulting in a severe assault and significant physical and psychological injuries. He further alleged restrictive SRG and protective-custody conditions, inadequate procedural protections, and retaliation after he filed this lawsuit.

PROCEDURAL HISTORY

Hayes filed the action on February 27, 2025 and filed an amended complaint on May 15, 2025. The court screened the amended complaint, allowed specified individual-capacity claims to proceed, dismissed the remaining claims without prejudice, terminated Reis as a defendant, and denied Hayes's motion to appoint counsel without prejudice.

DISPOSITION

other

CASES CITED

- Carr v. Dvorin, 171 F.3d 115, 116 (2d Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Sykes v. Bank of America, 723 F.3d 399, 403 (2d Cir. 2013)
- Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006)
- Tracy v. Freshwater, 623 F.3d 90, 101-02 (2d Cir. 2010)
- Burns v. Martuscello, 890 F.3d 77, 84 (2d Cir. 2018)
- Flaherty v. Coughlin, 713 F.2d 10, 13 (2d Cir. 1983)
- Graham v. Henderson, 89 F.3d 75, 80 (2d Cir. 1996)
- Robinson v. California, 370 U.S. 660, 666-67 (1962)
- Farmer v. Brennan, 511 U.S. 825, 828, 832-35, 837, 842-43 (1994)
- Chance v. Armstrong, 143 F.3d 698, 702 (2d Cir. 1998)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Walker v. Schult, 717 F.3d 119, 128 (2d Cir. 2013)
- Hudson v. Palmer, 468 U.S. 517, 526-27 (1984)
- Nieman v. Cheney, 2024 WL 4880710, at *3 (D. Conn. Nov. 25, 2024)
- Farid v. Ellen, 593 F.3d 233, 249 (2d Cir. 2010)
- Tangreti v. Bachman, 983 F.3d 609, 616, 618-19 (2d Cir. 2020)
- Harnage v. Dzurenda, 2022 WL 972438, at *8 (D. Conn. Mar. 31, 2022)
- Stone #1 v. Annucci, 2021 WL 4463033, at *9 (S.D.N.Y. Sept. 28, 2021)
- Rogers v. Lamont, 2022 WL 3716446, at *4 (D. Conn. Aug. 29, 2022)
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 541 (1985)

- Walker v. Fischer, 523 F. App'x 43, 44 (2d Cir. 2013)
- Giano v. Selsky, 238 F.3d 223, 225 (2d Cir. 2001)
- Meachum v. Fano, 427 U.S. 215, 225 (1976)
- Sandin v. Conner, 515 U.S. 472, 484 (1995)
- Bolden v. Alston, 810 F.2d 353, 357 (2d Cir. 1987)
- Hewitt v. Helms, 459 U.S. 460, 476 (1983)
- Superintendent, Massachusetts Correctional Institution v. Hill, 472 U.S. 445, 455 (1985)
- Taylor v. Rodriguez, 238 F.3d 188, 194 (2d Cir. 2001)
- Muniz v. Cook, 2021 WL 5919818, at *4 (D. Conn. Dec. 15, 2021)
- Elder v. McCarthy, 967 F.3d 113, 129 (2d Cir. 2020)
- Velez-Shade v. Population Management, 2019 WL 4674767, at *11 (D. Conn. Sept. 25, 2019)
- Colon v. Howard, 215 F.3d 227, 232 (2d Cir. 2000)
- Kentucky v. Graham, 473 U.S. 159, 166, 169 (1985)
- Smith v. Wade, 461 U.S. 30, 56 (1983)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 n.10 (1989)
- Smith v. Muccino, 223 F. Supp. 2d 396, 403 (D. Conn. 2002)
- Scozzari v. Santiago, 2019 WL 1921858, at *6 (D. Conn. Apr. 29, 2019)
- Ex parte Young, 209 U.S. 123, 157 (1908)
- Virginia Office for Protection & Advocacy v. Stewart, 563 U.S. 247, 255 (2011)
- Baltas v. Rizvani, 2022 WL 17251761, at *6 (D. Conn. Nov. 28, 2022)
- Prins v. Coughlin, 76 F.3d 504, 506 (2d Cir. 1996)
- Hendricks v. Coughlin, 114 F.3d 390, 393 (2d Cir. 1997)
- Cooper v. A. Sargenti Co., 877 F.2d 170, 171-72 (2d Cir. 1989)
- Mustafa v. Stanley, 2020 WL 6536910, at *3 (D. Conn. Nov. 6, 2020)
- McDonald v. Head Criminal Court Supervisor Officer, 850 F.2d 121, 123 (2d Cir. 1988)
- Swinton v. Wright, 2016 WL 3579075, at *2 (D. Conn. June 28, 2016)