

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAKE CHARLES DIVISION

Danny Trey Crossland v. Judge James D. Cain, Jr., Sheriff’s Office
Vernon Parish, et al.

Crossland · No. 6:25-CV-00164 SEC P · Decided February 26, 2026

SUMMARY

The court orders pro se plaintiff Danny Trey Crossland to amend his 42 U.S.C. § 1983 complaint concerning an inmate assault at the Vernon Parish Sheriff’s Office. The order explains that the sheriff’s office is not a suable entity, that supervisory liability requires personal involvement or an unconstitutional policy, and that a failure-to-protect claim requires deliberate indifference to a substantial risk of harm. Crossland is given forty days to amend, with failure to comply potentially resulting in dismissal.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lake Charles Division
WRITING FOR THE COURT	Thomas P. LeBlanc
JURISDICTION	United States District Court for the Western District of Louisiana, Lake Charles Division
DECIDED	February 26, 2026
DOCKET	6:25-CV-00164 SEC P
DISPOSITION	other
PROCEDURAL POSTURE	The court screened a pro se prisoner civil-rights complaint filed under 42 U.S.C. § 1983 by a plaintiff proceeding in forma pauperis and ordered him to amend the complaint to cure identified deficiencies.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screened the in forma pauperis complaint sua sponte for frivolousness, failure to state a claim, and claims seeking relief from an immune defendant, accepting the plaintiff’s allegations as true.
PRECEDENTIAL VALUE	unpublished district court memorandum order
PARTIES	Danny Trey Crossland v. Judge James D. Cain, Jr., Sheriff’s Office Vernon Parish, Warden Brad Conn

TOPICS

section 1983 prisoners rights civil rights cruel and unusual punishment pleadings

PRACTICE AREAS

Civil rights Prisoner civil rights Federal civil procedure Constitutional law

QUESTIONS PRESENTED

1. Whether the Vernon Parish Sheriff's Office is a suable legal entity and a person subject to liability under 42 U.S.C. § 1983.
2. Whether Crossland adequately pleaded supervisory liability against Warden Brad Conn.
3. Whether Crossland adequately pleaded an Eighth Amendment failure-to-protect claim based on the attack by another inmate.
4. Whether the complaint satisfied Federal Rule of Civil Procedure 8 by identifying each defendant's conduct, when and where it occurred, and the resulting injury.

HOLDINGS

1. The Vernon Parish Sheriff's Office is not a legal entity capable of being sued in a federal civil-rights action and is not a person subject to liability under § 1983; claims against it should be dismissed.
2. Crossland must amend to allege facts showing that Warden Conn personally participated in the alleged constitutional deprivation or implemented an unconstitutional policy that causally resulted in Crossland's injuries; respondeat superior does not apply under § 1983.
3. To state an Eighth Amendment failure-to-protect claim, Crossland must allege specific facts showing that each defendant knew of and disregarded an excessive risk to his safety, understood that a substantial risk of serious harm existed, and failed to take reasonable remedial action.
4. The complaint must be amended to identify each person who allegedly violated Crossland's rights, describe what each defendant did, state where and when the conduct occurred, and describe the resulting injury.

KEY QUOTATIONS

"In order for prison officials to be held liable under the Eighth Amendment for failure to protect, a prisoner must prove that the official knew of and disregarded an excessive risk to the inmate's safety; was aware of facts from which the inference could be drawn that a substantial risk of serious harm existed and also drew the inference; and failed to take reasonable remedial action." (Section II.D)

"Crossland must amend his complaint to address the deficiencies described above and to dismiss the claims and/or parties that cannot be cured through amendment." (Conclusion)

FACTUAL BACKGROUND

Crossland alleged that in mid-February 2024, while incarcerated at the Vernon Parish Sheriff's Office, another inmate threw boiling water on him and struck him in the head with a tablet. He alleged serious burns and a head injury requiring hospital treatment. Crossland stated that when booked into the facility in June 2023, he informed staff that he was disabled because of a neurological disease and should have been housed in an ADA cell rather than in the general population. He asserted claims against the Vernon Parish Sheriff's Office and Warden Brad Conn based on their alleged failure to protect him.

PROCEDURAL HISTORY

Crossland filed a § 1983 complaint concerning an attack by another inmate while Crossland was housed at the Vernon Parish Sheriff's Office. The complaint was referred to the magistrate judge for review under 28 U.S.C. § 636 and the court's standing orders. The court determined that the pleading was deficient as to the suability of the sheriff's office, supervisory liability, failure to protect, and Rule 8 pleading requirements, and gave Crossland forty days to amend.

DISPOSITION

other

CASES CITED

- Gonzalez v. Wyatt, 157 F.3d 1016, 1019 (5th Cir. 1998)
- Doe v. Dallas Independent School District, 153 F.3d 211, 215 (5th Cir. 1998)
- Horton v. Cockrell, 70 F.3d 397, 400 (5th Cir. 1995)
- Bradley v. Puckett, 157 F.3d at 1025
- West v. Atkins, 108 S. Ct. 2250, 2254-55 (1988)
- Francis v. Terrebonne Par. Sheriff's Office, No. 08-4972, 2009 U.S. Dist. LEXIS 114805, 2009 WL 4730707, at *2 (E.D. La. Dec. 9, 2009)
- Cozzo v. Tangipahoa Parish Council-President Government, 279 F.3d 273, 283 (5th Cir. 2002)
- Causey v. Parish of Tangipahoa, 167 F. Supp. 2d 898, 909 (E.D. La. 2001)
- Norwood v. City of Hammond, No. 99-879, 1999 U.S. Dist. LEXIS 15539, 1999 WL 777713, at *2 (E.D. La. Sept. 30, 1999)
- Liberty Mut. Ins. Co. v. Grant Parish Sheriff's Dep't, 350 So. 2d 236 (La. App. 3d Cir. 1977)
- Calhoun v. Sanderson, No. 01-3765, 2003 U.S. Dist. LEXIS 4620, 2003 WL 1595088, at *5 (E.D. La. Mar. 25, 2003)
- Mouille v. City of Live Oak, Tex., 977 F.2d 924, 929 (5th Cir. 1992), cert. denied, 113 S. Ct. 2443 (1993)
- Pierce v. Texas Department of Criminal Justice, Institutional Division, 37 F.3d 1146, 1150 (5th Cir. 1994), cert. denied, 115 S. Ct. 1957 (1995)
- Thompson v. Steele, 709 F.2d 381, 382 (5th Cir. 1983), cert. denied, 104 S. Ct. 248 (1983)
- Farmer v. Brennan, 114 S. Ct. 1970, 1976-83 (1994)
- Alton v. Texas A & M University, 168 F.3d 196, 201 (5th Cir. 1999)
- Johnson v. Treen, 759 F.2d 1236, 1238 (5th Cir. 1985)

- Oliver v. Scott, 276 F.3d 736, 741 (5th Cir. 2002)
- Anderson v. Pasadena Independent School District, 184 F.3d 439, 443 (5th Cir. 1999)
- Baker v. Putnal, 75 F.3d 190, 194 (5th Cir. 1996)
- Bynum v. Terrebonne Parish Consolidated Government, 2011 WL 6654985, at *3 (E.D. La. Nov. 8, 2011)
- Link v. Wabash Railroad Co., 82 S. Ct. 1386 (1962)

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