

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, WAYCROSS DIVISION**

**James Andrew Sims, Jr. v. Coffee County Sheriff's Office, Entire
Police Dept., and Entire Sheriff's Dept.**

Sims · No. 5:25-cv-55 · Decided November 24, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA WAYCROSS DIVISION JAMES ANDREW SIMS, JR., Plaintiff, CIVIL ACTION NO.: 5:25-cv-55 v. COFFEE COUNTY SHERIFF'S OFFICE, ENTIRE POLICE DEPT., and ENTIRE SHERIFF'S DEPT., Defendants. O R D E R Plaintiff filed this action, asserting claims under 42 U.S.C. § 1983. Doc. 1.

The Court now conducts its frivolity screening under 28 U.S.C. § 1915A. For the reasons stated below, I DISMISS without prejudice Plaintiff's Complaint in its entirety, DIRECT the Clerk of Court to CLOSE this case and enter the appropriate judgment of dismissal, and DENY Plaintiff leave to proceed in forma pauperis on appeal.¹ PLAINTIFF'S CLAIMS² Plaintiff asserts claims arising out of his arrest on April 25, 2025.

Doc. 1. Plaintiff names as Defendants "entire police department," "entire sheriff's department," and "entire jail." As Plaintiff is housed at the Coffee County Jail, I construe his Complaint to name as Defendants the Douglas Police Department, Coffee County Sheriff's Office, and Coffee County Jail. ¹ Plaintiff has consented to my plenary review. Doc. 13. ² All allegations set forth here are taken from Plaintiff's Complaint.

Doc. 1. During frivolity review under 28 U.S.C. § 1915A, "[t]he complaint's factual allegations must be accepted as true." *Waldman v. Conway*, 871 F.3d 1283, 1289 (11th Cir. 2017). Plaintiff alleges he was shot and attacked by police during his arrest. *Id.* at 4. Defendant alleges that his leg was injured when officers pulled him out of his vehicle after he surrendered.

Id. at 5. Defendant has not identified any individual officer involved in the incident. Plaintiff seeks medical treatment, as well as compensation for medical bills, physical injuries, and mental health. *Id.* at 6. STANDARD OF REVIEW A federal court is required to conduct an initial screening of all complaints filed by prisoners and plaintiffs proceeding in forma pauperis.

28 U.S.C. §§ 1915A(a), 1915(a). During the initial screening, the court must identify any cognizable claims in the complaint. 28 U.S.C. § 1915A(b). Additionally, the court must dismiss the complaint (or any portion of the complaint) that is frivolous, malicious, fails to state a claim

upon which relief may be granted, or which seeks monetary relief from a defendant who is immune from such relief.

Id. The pleadings of unrepresented parties are held to a less stringent standard than those drafted by attorneys and, therefore, must be liberally construed. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, Plaintiff's unrepresented status will not excuse mistakes regarding procedural rules. *McNeil v. United States*, 508 U.S. 106, 113 (1993). A claim is frivolous under § 1915(e)(2)(B)(i) if it is "without arguable merit either in law or fact." *Moore v. Bargstedt*, 203 F. App'x 321, 323 (11th Cir.

2006). In order to state a claim upon which relief may be granted, a complaint must contain "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

To state a claim, a complaint must contain "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not" suffice. *Twombly*, 550 U.S. at 555. DISCUSSION I. Plaintiff Has Not Named a Proper Defendant Each Defendant Plaintiff names is an entity Defendant.

To state a claim for relief under § 1983, a plaintiff must allege "a person acting under color of state law" committed the act or omission in dispute. *Hale v. Tallapoosa County*, 50 F.3d 1579, 1582 (11th Cir. 1995); see also *Strange v. JPay Corp.*, No. 19-15154, 2020 WL 3547931, at *2 (11th Cir. June 9, 2020). While local governments may qualify as "persons" under § 1983, "[s]heriff's departments and police departments are not usually considered legal entities subject to suit...." *Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir.

1992) (citations omitted). In addition, penal institutions are generally not considered legal entities subject to suit. See *Nichols v. Ala. State Bar*, 815 F.3d 726, 731(11th Cir. 2016) (noting the Eleventh Amendment bars § 1983 suits against state agencies) (citing *Papasan v. Allain*, 478 U.S. 265, 276 (1986)); *Williams v. Chatham Cnty. Sheriff's Complex*, Case No. 4:07-cv-68, 2007 WL 2345243 (S.D.

Ga. August 14, 2007) ("The county jail, however, has no independent legal identity and therefore is not an entity that is subject to suit under Section 1983."). Because the Douglas Police Department, Coffee County Sheriff's Office, and Coffee County Jail are not "persons" subject to suit under § 1983, the Complaint should be dismissed in its entirety. II. Leave to Appeal in Forma Pauperis The Court also denies Plaintiff leave to appeal in forma pauperis.

Though Plaintiff has not yet filed a notice of appeal, it is appropriate to address that issue in the Court's order of dismissal. See Fed. R. App. P. 24(a)(3) (noting trial court may certify appeal is not taken in good faith "before or after the notice of appeal is filed"). An appeal cannot be taken in

forma pauperis if the trial court certifies, either before or after the notice of appeal is filed, the appeal is not taken in good faith.

28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). Good faith in this context must be judged by an objective standard. *Busch v. County of Volusia*, 189 F.R.D. 687, 691 (M.D. Fla. 1999). A party does not proceed in good faith when he seeks to advance a frivolous claim or argument. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962). A claim or argument is frivolous when it appears the factual allegations are clearly baseless or the legal theories are indisputably meritless.

Neitzke v. Williams, 490 U.S. 319, 327 (1989); *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). An in forma pauperis action is frivolous and not brought in good faith if it is “without arguable merit either in law or fact.” *Moore v. Bargstedt*, 203 F. App’x 321, 323 (11th Cir. 2006) (quoting *Bilal v. Driver*, 251 F.3d 1346, 1349 (11th Cir. 2001)); see also *Brown v. United States*, Nos. 407CV085, 403CR001, 2009 WL 307872, at *1—2 (S.D.

Ga. Feb. 9, 2009). Based on the above analysis of Plaintiff’s action, there are no non-frivolous issues to raise on appeal, and an appeal would not be taken in good faith. Thus, I DENY Plaintiff in forma pauperis status on appeal. CONCLUSION For the foregoing reasons, I DISMISS Plaintiff’s Complaint in its entirety, DIRECT the Clerk of Court to CLOSE this case and enter the appropriate judgment of dismissal, and DENY Plaintiff leave to proceed in forma pauperis on appeal.

SO ORDERED, this 24th day of November, 2025. BO BENJAMIN W.CHEESBRO UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA