

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Richard Jones v. Franklin County Children Services, et al.

Jones · No. 2:26-cv-00128 · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Richard Jones leave to proceed in forma pauperis and screens his amended 42 U.S.C. § 1983 complaint. The court permits individual-capacity claims for damages and declaratory relief against FCCS employees James Edwards and DeJournay Ray to proceed, while recommending dismissal of claims against Franklin County Children Services, Franklin County, and official-capacity defendants for failure to plead municipal liability. The court also denies motions concerning evidence preservation, expedited discovery, and compelled production as premature or unsupported.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	March 20, 2026
DOCKET	2:26-cv-00128
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff proceeding pro se and in forma pauperis filed an amended 42 U.S.C. § 1983 complaint. The magistrate judge granted in forma pauperis status, screened the amended complaint under 28 U.S.C. § 1915(e)(2), denied motions concerning evidence preservation and discovery, allowed certain individual-capacity claims to proceed, and recommended dismissal of the remaining claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. Failure to state a claim is assessed under the pleading standards of Federal Rule of Civil Procedure 8(a)(2) and the standards

	generally applied under Rule 12(b)(6). Objections to the report and recommendation receive de novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Richard Jones v. Franklin County Children Services, James Edwards, DeJourney Ray

TOPICS

[section 1983](#)
[procedural due process](#)
[due process](#)
[civil procedure](#)
[discovery dispute](#)

PRACTICE AREAS

[civil rights](#)
[constitutional law](#)
[civil procedure](#)
[family law](#)

QUESTIONS PRESENTED

1. Whether the amended complaint stated a cognizable § 1983 claim against Edwards and Ray in their individual capacities for alleged interference with Jones's parental rights.
2. Whether Jones adequately pleaded municipal liability against Franklin County Children Services or Franklin County under Monell.
3. Whether Jones's official-capacity claims against Edwards and Ray stated a claim.
4. Whether Jones was entitled to an order preserving evidence, expedited discovery, or compelled production before service and the Rule 26(f) conference.

HOLDINGS

1. An in forma pauperis action must be dismissed under 28 U.S.C. § 1915(e)(2) if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant; the failure-to-state-a-claim inquiry applies the Rule 8(a)(2) and Rule 12(b)(6) plausibility standards.
2. Jones failed to state a municipal-liability claim against Franklin County Children Services or Franklin County because he alleged only conclusory assertions of policies, customs, inadequate training, or supervision without facts connecting a municipal policy or custom to the alleged constitutional violations.
3. Jones's official-capacity claims against Edwards and Ray failed because such claims are treated as claims against the governmental entity, and Jones failed to state a claim against the relevant entity.
4. The court denied the motion to preserve evidence because Jones did not show a special risk of evidence loss, and denied the expedited-discovery and motion-to-compel requests as premature before service and the Rule 26(f) conference.

KEY QUOTATIONS

“Plaintiff MAY PROCEED on his individual-capacity claims for damages and declaratory relief against Defendants Edwards and Ray, but it is RECOMMENDED that Plaintiff’s remaining claims be DISMISSED under § 1915(e)(2)(B) for failure to state a claim on which relief can be granted.”

FACTUAL BACKGROUND

Jones alleged that FCCS employees James Edwards and DeJournay Ray removed his children from his custody without a warrant or pre-removal hearing. He further alleged that defendants entered an administrative neglect determination without prior notice or an opportunity to be heard and used that determination to justify continuing restrictions on his visitation. He asserted procedural and substantive due process claims under the Fourteenth Amendment and sought compensatory and punitive damages and declaratory relief.

PROCEDURAL HISTORY

Jones filed an original complaint on February 4, 2026, sought leave to supplement it, and filed an amended complaint on February 25, 2026. The court treated the amended complaint as operative and granted the motions to supplement. After screening, the court permitted damages and declaratory-relief claims against Edwards and Ray in their individual capacities to proceed, recommended dismissal of the remaining claims, denied the preservation and discovery motions, and advised the parties regarding objections and de novo review by a district judge.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- 16630 Southfield Ltd., P'Ship v. Flagstar Bank, F.S.B., 727 F.3d 502, 503-04 (6th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Garrett v. Belmont County Sheriff's Department, 374 F. App'x 612, 614 (6th Cir. 2010)
- Frengler v. General Motors, 482 F. App'x 975, 976-77 (6th Cir. 2012)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Nichols v. Wayne County, 822 F. App'x 445, 448 (6th Cir. 2020)
- Hardrick v. City of Detroit, 876 F.3d 238, 243 (6th Cir. 2017)
- Burgess v. Fischer, 735 F.3d 462, 478 (6th Cir. 2013)
- Thomas v. City of Chattanooga, 398 F.3d 426, 429 (6th Cir. 2005)
- Freeman v. Spoljaric, 667 F. Supp. 3d 636, 651 (S.D. Ohio 2023)
- Assi v. Hanshaw, 625 F. Supp. 3d 722, 750 (S.D. Ohio 2022)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)

- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- John B. v. Goetz, 531 F.3d 448, 459 (6th Cir. 2008)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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