

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Le-Lon Campbell v. Butler County Jail, et al.

Campbell · No. 1:23-cv-763 · Decided December 9, 2025

SUMMARY

The court addresses Plaintiff Le-Lon Campbell’s letter, construed as a motion for reconsideration of a pending recommendation concerning amendment of his complaint. The magistrate judge recommends denying reconsideration and the motion to amend, while ordering Campbell to submit completed summons and U.S. Marshal forms for Sheriff Richard K. Jones within thirty days or face a recommendation of dismissal for want of prosecution.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Peter B. Silvain, Jr.
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	December 9, 2025
DOCKET	1:23-cv-763
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge construed Plaintiff's December 1, 2025 letter as a motion for reconsideration of a pending recommendation to deny Plaintiff's motion to amend his Amended Complaint. The document is an Order and Report and Recommendation addressing both the motion to reconsider and the motion to amend.
STANDARD OF REVIEW	A motion to amend may be denied when amendment would be futile, unnecessary, improper, or unduly delayed. Objections to a magistrate judge's report and recommendation are subject to review by the District Judge under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b); failure to make specific, timely objections waives de novo review and appellate review of unpreserved issues.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Le-Lon Campbell v. Butler County Jail, et al.

TOPICS

motion to amend

motion for reconsideration

service of process

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Campbell's motion to reconsider the recommendation denying leave to amend should be granted.
2. Whether Campbell should be permitted to amend his Amended Complaint to dismiss the United States Marshal Service, substitute Butler County for Sheriff Jones in his official capacity, and add legal argument.
3. Whether Campbell should be ordered to submit completed summons and U.S. Marshal forms for Sheriff Jones, with dismissal for want of prosecution recommended if he failed to do so.

HOLDINGS

1. The motion to reconsider should be denied.
2. The motion to amend was moot to the extent Campbell sought to dismiss the United States Marshal Service because the District Judge had already dismissed that defendant.
3. Campbell's proposed addition of legal argument and case citations to the complaint was improper.
4. Immediate substitution of Butler County for Sheriff Jones was not necessary because the official-capacity claim against Sheriff Jones is treated as a claim against Butler County.
5. Campbell was ordered to submit completed summons and U.S. Marshal forms for Sheriff Jones within thirty days, and failure to do so would support a recommendation of dismissal for want of prosecution.

KEY QUOTATIONS

"A complaint should therefore allege facts satisfying the elements of the claim at issue but should not contain legal arguments, cite case law or other legal authority, or contain extraneous matter." (at 1)

"A claim against Sheriff Jones in his official capacity is treated as a claim against Butler County." (at 2)

FACTUAL BACKGROUND

Campbell brought a prisoner civil-rights action concerning cruel and unusual punishment. He was permitted to proceed at that juncture against Sheriff Richard K. Jones in his official capacity. Campbell sought to dismiss Jones, substitute Butler County, dismiss the United States Marshal Service, and add argument supporting his claim. Because an official-capacity claim against Jones is treated as a claim against Butler County, the court concluded that substitution was not presently necessary.

PROCEDURAL HISTORY

Campbell sought to amend his Amended Complaint to dismiss Sheriff Richard K. Jones, substitute Butler County as a defendant, dismiss the United States Marshal Service, and add legal argument supporting his claim. The District Judge had already dismissed the United States Marshal Service, and the magistrate judge had previously recommended denial of the motion to amend without prejudice as to substituting Butler County. The magistrate judge recommended denying the motion to amend and the motion for reconsideration, while ordering Campbell to submit completed summons and U.S. Marshal forms for Sheriff Jones within thirty days or face a recommendation of dismissal for want of prosecution. The parties were given fourteen days to object to the Report and Recommendation.

DISPOSITION

other

CASES CITED

- Brumbalough v. Camelot Care Centers, Inc., 427 F.3d 996, 1001 (6th Cir. 2005)
- Hall v. Bush, No. 1:20-cv-731, 2020 WL 13982500, at *3 (W.D. Mich. Dec. 30, 2020)
- Pfahler v. National Latex Products Co., 517 F.3d 816, 829 (6th Cir. 2007)
- United States v. Sullivan, 431 F.3d 976, 984 (6th Cir. 2005)
- Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT CINCINNATI LE-LON CAMPBELL,; Case No. 1:23-cv-763 Plaintiff,; District Judge Michael R. Barrett: Magistrate Judge Peter B. Silvain, Jr. vs.: BUTLER COUNTY JAIL, et al.,; Defendants.: ORDER and REPORT AND RECOMMENDATION Before the Court is Plaintiff's letter filed on December 1, 2025.

(Doc. 28). The Court understands the letter to be, in effect, a motion for reconsideration of the Undersigned's recommendation (Doc. 22), currently pending before the District Judge, to deny Plaintiff's motion to amend his Amended Complaint (Doc. 17).

In the motion to amend, Plaintiff seeks to dismiss Defendant Sheriff Richard K. Jones and to substitute instead Butler County as the Defendant. (Doc. 20, PageID 97). Plaintiff also indicates his intention to dismiss the United States Marshal Service (USMS) as a Defendant. *Id.* The remainder of Plaintiff's motion reiterates his prior allegations and adds argument supporting his claim.

(*Id.* at 98-99). As explained in the pending Report and Recommendation (Doc. 22), leave to amend a complaint should be denied where an amendment would be futile. *Brumbalough v. Camelot Care*

Centers, Inc., 427 F.3d 996, 1001 (6th Cir. 2005). Plaintiff's proposed amendments would be futile and should be denied because they are unnecessary, improper, and will cause undue delay.

First, because the District Judge has already dismissed the USMS as a Defendant (Doc. 21, PageID 101), Plaintiff's motion to amend is moot to the extent he seeks to dismiss the USMS. Second, to the extent Plaintiff seeks to add additional argument in support of his cruel- and-unusual punishment claim that is proceeding at this juncture, his motion is improper.

See *Hall v. Bush*, No. 1:20-cv-731, 2020 WL 13982500, at *3 (W.D. Mich. Dec. 30, 2020) ("A complaint should therefore allege facts satisfying the elements of the claim at issue but should not contain legal arguments, cite case law or other legal authority, or contain extraneous matter.") (collecting cases). Plaintiff may assert argument in support of his claims should Defendant file a motion in response to the Amended Complaint.

See Fed. R. Civ. P. 12 & 56. Third, the sole defendant Plaintiff has been permitted to proceed against in this case is Sheriff Jones in his official capacity. (Doc. 19, PageID 94; Doc. 21, PageID 101). A claim against Sheriff Jones in his official capacity is treated as a claim against Butler County. (Doc. 19, PageID 90; Doc. 22, PageID 105; Doc. 25, PageID 111).

As such, although the Court has recommended, in the interest of judicial expediency, to deny without prejudice Plaintiff's request to substitute Butler County for Sheriff Jones in his official capacity at this time (see Doc. 22, PageID 105), Plaintiff's claim is effectively proceeding against Butler County, even without renaming the defendant. Once service of process is made, either Plaintiff or Sheriff Jones may file a motion requesting to substitute Butler County as the Defendant in this case.

Id. Given Plaintiff's pro se status, the Court will allow him one final opportunity to submit to the Court a completed summons form and a completed U.S. Marshal form for Defendant Sheriff Richard K. Jones. If Plaintiff does not submit to the Court a completed summons form and a completed U.S. Marshal form for Sheriff Jones within THIRTY (30) Days of the date of this Order, the Court will recommend that Plaintiff's case be dismissed for want of prosecution.

The CLERK OF COURT is DIRECTED to provide Plaintiff a blank summons form and a 2 blank U.S. Marshal form for this purpose. IT IS THEREFORE RECOMMENDED THAT: 1. The District Judge ADOPT the Undersigned's Report and Recommendation (Doc. 22) to DENY Plaintiff's motion to amend (Doc. 20) in its entirety; and 2.

The District Judge DENY Plaintiff's motion to reconsider (Doc. 28). IT IS THEREFORE ORDERED THAT: Plaintiff, within thirty (30) days of the date of this Order and Report and Recommendation, submit to the Court a completed summons and U.S. Marshal form for Defendant Sheriff Richard K. Jones. Once the Court receives the requested completed summons and U.S. Marshal form, the Court will order service of process by the United States Marshal.

The CLERK OF COURT is DIRECTED to provide Plaintiff a blank summons and U.S. Marshal form for this purpose. December 9, 2025 s/Peter B. Silvain, Jr. Peter B. Silvain, Jr. United States Magistrate Judge 3 PROCEDURE ON OBJECTIONS If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection.

28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b). The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to de novo review by the District Judge and waiver of the right to appeal the judgment of the District Court.

See, e.g., *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to the magistrate judge’s report and recommendation).

Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal....”) (citation omitted). 4