UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION

Kelly McSean v. Dan Bullock, et al.

McSean · No. 4:23-cv-01072-HEA · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri dismissed Kelly McSean's amended § 1983 complaint without prejudice under 28 U.S.C. § 1915(e)(2). The court held that the official-capacity claims failed to plausibly allege a county policy or custom, and that the individual-capacity claims lacked allegations showing each defendant's personal participation or discriminatory intent. The court also concluded that the complaint did not state viable due-process or equal-protection claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 8, 2026
DOCKET	4:23-cv-01072-HEA
DISPOSITION	dismissed
PROCEDURAL POSTURE	A self-represented pretrial detainee filed an amended civil-rights complaint while proceeding in forma pauperis. The district court conducted the required screening under 28 U.S.C. § 1915(e)(2) and dismissed the action without prejudice for failure to state a claim.
STANDARD OF REVIEW	The court reviewed the in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), accepting well-pleaded facts as true and liberally construing the allegations, but requiring sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status not stated

TOPICS

section 1983 · due process · equal protection · pleadings · civil procedure

PRACTICE AREAS

civil rights | constitutional law | prisoner civil rights | civil procedure

QUESTIONS PRESENTED

1. Whether McSean stated an official-capacity claim under § 1983 by alleging that detention-center officials acted pursuant to unofficial customs without pleading supporting facts showing a governmental policy or custom.
2. Whether McSean stated individual-capacity § 1983 claims by alleging substantially identical collective conduct without facts showing each defendant's personal participation.
3. Whether McSean pleaded sufficient facts to support Fourteenth Amendment equal-protection claims.

HOLDINGS

1. The official-capacity claims failed because the detention center was not a suable entity and McSean did not plead facts plausibly showing that a St. Francois County policy, widespread custom, or failure to train caused the alleged constitutional injury.
2. The individual-capacity claims failed because McSean did not plead facts showing how each defendant personally participated in placing or maintaining her in disciplinary segregation or how each defendant's conduct differed from that of the others.
3. The equal-protection claims failed because the amended complaint did not allege facts suggesting discriminatory intent or disparate treatment by any individual defendant.

KEY QUOTATIONS

> *“‘Government officials are personally liable only for their own misconduct.’”* (III.2)

> *“An official-capacity claim against an individual is treated as a claim “against the governmental entity itself.””* (III.1)

FACTUAL BACKGROUND

McSean was a pretrial detainee at the St. Francois County Detention Center. She alleged that Sheriff Dan Bullock and three other detention-center officials placed her in disciplinary segregation without justification on January 24, 2023, and that she received neither a hearing nor a written explanation. She alleged that the lack of explanation caused mental distress and suicidal thoughts and that she remained in segregation until March 5, 2024. Her amended complaint attributed substantially identical conduct collectively to each defendant and alleged only conclusory references to unofficial customs.

PROCEDURAL HISTORY

McSean filed an amended complaint against four detention-center officials in their individual and official capacities, asserting Fourteenth Amendment due-process and equal-protection claims under 42 U.S.C. § 1983. Because she proceeded in forma pauperis, the court screened the amended complaint under § 1915(e)(2),

concluded that both the official-capacity and individual-capacity claims were inadequately pleaded, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- White v. Clark, 750 F.2d 721, 722 (8th Cir. 1984)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- Stone v. Harry, 364 F.3d 912, 914–15 (8th Cir. 2004)
- White v. Jackson, 865 F.3d 1064, 1075 (8th Cir. 2017)
- Johnson v. Outboard Marine Corp., 172 F.3d 531, 535 (8th Cir. 1999)
- Kelly v. City of Omaha, Neb., 813 F.3d 1070, 1075 (8th Cir. 2016)
- Owens v. Scott Cnty. Jail, 328 F.3d 1026, 1027 (8th Cir. 2003)
- Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 694 (1978)
- Doe ex rel. Doe v. Sch. Dist. of City of Norfolk, 340 F.3d 605, 614 (8th Cir. 2003)
- Ulrich v. Pope Cnty., 715 F.3d 1054, 1061 (8th Cir. 2013)
- Madewell v. Roberts, 909 F.2d 1203, 1208 (8th Cir. 1990)
- S.M. v. Krigbaum, 808 F.3d 335, 340 (8th Cir. 2015)

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