

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Gregory Reginald Jynes v. Orleans Parish Sheriff’s Office, et al.

Civil Action No. 25-1062 (E.D. La. Jan. 7, 2025) (report and recommendation) · No. Civil Action No. 25-1062;
2:25-cv-01062 · Decided January 7, 2026

SUMMARY

This Report and Recommendation addresses partial dismissal of a pro se, in forma pauperis 42 U.S.C. § 1983 action brought by a pretrial detainee against Orleans Parish jail officials and related entities. The court recommends dismissal of claims against non-juridical entities and defendants lacking personal involvement, as well as claims concerning excessive force, failure to protect, housing classification, and related constitutional allegations under the applicable screening standards.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 7, 2026
DOCKET	Civil Action No. 25-1062; 2:25-cv-01062
DISPOSITION	other
PROCEDURAL POSTURE	Pro se, in forma pauperis prisoner civil-rights action under 42 U.S.C. § 1983. Following a Spears hearing and the plaintiff’s response to an order requiring further information, the magistrate judge issued a report and recommendation recommending partial dismissal at the screening stage and allowing certain claims to proceed pending further development.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915(e)(2) and 1915A; the complaint must be dismissed if frivolous, malicious, fails to state a plausible claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true for screening purposes and considers the Spears hearing testimony as part of the plaintiff’s total filing.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gregory Reginald Jynes v. Orleans Parish Sheriff’s Office, Orleans Parish Justice Center, Colonel Giovingo, Sheriff Susan Hutson,

Assistant Sheriff Ahmad, Classification Officer Duncan, Lieutenant Brown, Captain Michael Lewis, Captain Jones, SRT Officer Patton, Sergeant Dunn, SRT Officer Harris, Pod Officer Williams, Pod Officer Stevenson, The Medical Department, Deputy Rodriguez, John Doe
Classification Officers

TOPICS

section 1983 prisoners rights civil rights free exercise clause civil procedure

PRACTICE AREAS

civil rights prisoner litigation constitutional law civil procedure remedies

QUESTIONS PRESENTED

1. Whether the Orleans Parish Sheriff's Office, Orleans Parish Justice Center, and jail Medical Department are suable entities or persons under § 1983.
2. Whether claims against defendants who were not personally involved in the alleged violations should be dismissed.
3. Whether Jynes stated a § 1983 excessive-force claim based on mace discharged at another inmate and allegedly affecting him by overspray.
4. Whether Jynes stated failure-to-protect claims arising from the January 30, February 4, and April 16 incidents.
5. Whether the loss of personal property, verbal insults, failure to follow jail procedures, and failure to respond to grievances state constitutional claims.
6. Whether Jynes stated an access-to-courts claim despite lacking pens and retaining paper criminal-case documents while represented by counsel.
7. Whether Jynes stated a retaliation claim.
8. Whether Jynes stated claims for denial of medical care, decontamination, or food following the mace incident.
9. Whether Jynes stated First Amendment free-exercise claims concerning religious services, an imam, religious materials, kosher food, and Ramadan meals.
10. Whether the May 25, 2025 conditions claim was subject to dismissal because administrative remedies could not have been exhausted before suit was filed.
11. Whether the official-capacity claims satisfied the requirements for municipal liability under Monell.

HOLDINGS

1. These entities are not proper § 1983 defendants because the Sheriff's Office and Medical Department lack juridical-person status under Louisiana law and the Justice Center is merely a building rather than a person subject to suit.

2. Claims against Rodriguez and Patton should be dismissed because Jynes did not allege specific conduct by either defendant that caused a constitutional violation.
3. Jynes's excessive-force claim against Harris should be dismissed because the mace was not directed at him, no intent to punish him was alleged, the use was objectively justified by another inmate's disobedience, and his alleged injuries were de minimis.
4. The individual-capacity failure-to-protect claims against Giovingo, Duncan, Brown, Lewis, and Ahmad should be allowed to proceed because the allegations plausibly showed a substantial risk of serious harm and deliberate indifference.
5. The February 4 claim against Giovingo and Duncan should be dismissed for lack of personal knowledge, the claim against Dunn should be dismissed for failure to allege more than a de minimis physical injury, and the April 16 claim should be dismissed for lack of personal involvement and physical injury.
6. These claims should be dismissed because negligence is not actionable under § 1983, intentional property deprivation is barred where an adequate state post-deprivation remedy exists, verbal insults are not constitutional violations, prisoners have no constitutional right to enforcement of jail policies or favorable grievance responses, and grievance procedures do not create a protected liberty interest.
7. Jynes failed to state an access-to-courts claim because he did not show actual prejudice to a nonfrivolous legal claim and was represented by counsel in his criminal case.
8. Jynes's retaliation claim should be dismissed as conclusory because he identified no retaliatory defendant, protected activity, retaliatory act, or causal chronology.
9. The claims should be dismissed because Jynes was not personally sprayed, did not allege denial of access to water, did not identify a responsible defendant, and did not allege a sufficiently serious or continuous deprivation of food or resulting injury.
10. Jynes's individual-capacity free-exercise claims against Jones, Giovingo, Williams, Stevenson, and Ahmad should be allowed to proceed pending further development.
11. The May 25 claim should be dismissed without prejudice for failure to exhaust administrative remedies before filing suit, but with prejudice for purposes of proceeding in forma pauperis.
12. The official-capacity claims against the individual defendants other than Hutson should be dismissed because Jynes did not identify a qualifying policymaker or municipal policy causing the alleged constitutional violations; Hutson's official-capacity free-exercise claim should proceed, while her official-capacity failure-to-protect claim should be dismissed.

KEY QUOTATIONS

"The undersigned recommends that Jynes's federal civil rights claim for failure to protect on January 30, 2025 against Giovingo, Duncan, Brown, Lewis, and Ahmad in their individual capacities be allowed to proceed at this time pending further development." (Section III.F.1)

"The undersigned therefore recommends that Jynes's federal civil rights claims relating to his First Amendment right to free exercise of religion against defendants Jones, Giovingo, Williams, Stevenson, and

Ahmad in their individual capacities be allowed to proceed at this time pending further development.”
(Section III.N)

FACTUAL BACKGROUND

Jynes, a pretrial detainee, alleged that jail officials knowingly moved him from a tier where he felt safe to a tier where he faced known threats, after which other inmates stabbed him. He later alleged unsafe protective-custody housing, exposure to mace overspray, inadequate decontamination and medication, contaminated food, denial of religious practices and materials, loss of property, lack of access to court materials, retaliation, and unsanitary conditions after a later water and toilet outage. At the Spears hearing, he clarified that he lacked specific information tying several defendants to the alleged violations, suffered no physical injury in some incidents, and was represented by counsel in his criminal case.

PROCEDURAL HISTORY

Jynes filed this § 1983 action while confined as a pretrial detainee at the Orleans Justice Center. The court ordered him to provide additional information, considered his written responses and Spears hearing testimony, and screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A. The report recommends dismissal of most claims and defendants, while permitting an individual-capacity failure-to-protect claim concerning the January 30, 2025 incident and specified free-exercise claims to proceed.

DISPOSITION

other

CASES CITED

- Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985)
- Davis v. Scott, 157 F.3d 1003, 1005-06 (5th Cir. 1998)
- Eason v. Holt, 73 F.3d 600, 602 (5th Cir. 1996)
- Startti v. United States, 415 F.2d 1115, 1116 (5th Cir. 1969)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Rogers v. Boatright, 709 F.3d 403, 407-08 (5th Cir. 2013)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Liberty Mutual Insurance Co. v. Grant Parish Sheriff’s Department, 350 So. 2d 236, 238-39 (La. App. 3d Cir.), writ refused, 352 So. 2d 235 (La. 1977)
- Cozzo v. Tangipahoa Parish Council-President Government, 279 F.3d 273, 283 (5th Cir. 2002)
- Trepagnier v. Orleans Justice Center, No. 21-1796, 2022 WL 468956, at *3-4 (E.D. La. Jan. 20, 2022)
- Rizzo v. Goode, 423 U.S. 362, 371-73 (1976)
- Lozano v. Smith, 718 F.2d 756, 768 (5th Cir. 1983)
- Oliver v. Scott, 276 F.3d 736, 741 (5th Cir. 2002)
- Hudson v. McMillian, 503 U.S. 1, 4 (1992)

- *Kingsley v. Hendrickson*, 576 U.S. 389, 397-400 (2015)
- *Graham v. Connor*, 490 U.S. 386, 396 (1989)
- *Farmer v. Brennan*, 511 U.S. 825, 833-43 (1994)
- *Hare v. City of Corinth, Miss.*, 74 F.3d 633, 650 (5th Cir. 1996)
- *Jones v. Greninger*, 188 F.3d 322, 326 (5th Cir. 1999)
- *Adames v. Perez*, 331 F.3d 508, 512 (5th Cir. 2003)
- *Wilkerson v. Maggio*, 703 F.2d 909, 911 (5th Cir. 1983)
- *McCord v. Maggio*, 910 F.2d 1248, 1250-51 (5th Cir. 1990)
- *Stauffer v. Gearhart*, 741 F.3d 574, 583, 587 (5th Cir. 2014) (per curiam)
- *Daniels v. Williams*, 474 U.S. 327, 330-31 (1986)
- *Parratt v. Taylor*, 451 U.S. 527 (1981)
- *Bender v. Brumley*, 1 F.3d 271, 274 n.4 (5th Cir. 1993)
- *Lewis v. Casey*, 518 U.S. 343, 351, 356 (1996)
- *McDonald v. Steward*, 132 F.3d 225, 230-31 (5th Cir. 1998)
- *Turner v. Safley*, 482 U.S. 78, 89-90 (1987)
- *Cutter v. Wilkinson*, 544 U.S. 709, 719 (2005)
- *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 360 (1987)
- *Porter v. Nussle*, 534 U.S. 516, 525, 532 (2002)
- *Booth v. Churner*, 532 U.S. 731, 739 (2001)
- *Gonzalez v. Seal*, 702 F.3d 785, 787-88 (5th Cir. 2012)
- *Monell v. Department of Social Services*, 436 U.S. 658, 690-95 (1978)
- *Valle v. City of Houston*, 613 F.3d 536, 541-42 (5th Cir. 2010)
- *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)