

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Levon Alls v. Captain Jackson, et al.

Alls v. Jackson · No. 5:25-cv-461 (MTT) · Decided February 6, 2026

SUMMARY

The court conducts screening under 28 U.S.C. § 1915(e)(2)(B) of Levon Alls’s amended prisoner civil-rights complaint. The Eighth Amendment failure-to-protect claim against Captain Jackson in her individual capacity is allowed to proceed, while the deliberate-indifference claim against Jackson, claims against the warden and Georgia Department of Corrections, official-capacity claims, and most claims against unknown defendants are dismissed without prejudice. The court gives Alls 60 days to identify the unknown transport officers and orders service on Captain Jackson.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	February 6, 2026
DOCKET	5:25-cv-461 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	Screening order on an amended pro se complaint filed by an inmate proceeding in forma pauperis under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint must be dismissed if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure to state a claim under § 1915(e)(2)(B)(ii) is evaluated under the Rule 12(b)(6) standard; well-pleaded facts are accepted as true and reasonable inferences are drawn in the plaintiff’s favor, with pro se pleadings liberally construed.
PRECEDENTIAL VALUE	District court order; precedential status not specified in the source.
PARTIES	Levon Alls v. Captain Jackson, in her individual and official capacities, Shawn Emmons, in his individual and official capacities,

TOPICS

section 1983 prisoners rights cruel and unusual punishment sovereign immunity pleadings

PRACTICE AREAS

civil rights constitutional law prisoners' rights civil procedure remedies

QUESTIONS PRESENTED

1. Whether Alls plausibly stated an Eighth Amendment failure-to-protect claim against Captain Jackson in her individual capacity.
2. Whether Alls stated a deliberate-indifference-to-serious-medical-needs claim against Captain Jackson and unknown transport officers.
3. Whether the fictitious Doe defendants were described with sufficient specificity to permit pleading against them.
4. Whether Alls plausibly stated supervisory-liability claims against Warden Emmons for failure to protect, delayed emergency response, failure to train, and failure to supervise.
5. Whether the Georgia Department of Corrections and the defendants sued in their official capacities were immune from the asserted § 1983 claims.

HOLDINGS

1. Alls plausibly stated an Eighth Amendment failure-to-protect claim because he alleged a substantial risk of serious harm, Captain Jackson's subjective awareness and disregard of that risk, and a causal connection between her conduct and the subsequent attack.
2. The complaint plausibly stated a deliberate-indifference claim against the unknown transport officers, if Alls identifies them, because it alleged an objectively serious medical need, subjective disregard of the risk, and causation.
3. Alls failed to state a deliberate-indifference-to-serious-medical-needs claim against Captain Jackson because the complaint did not allege that she was subjectively aware of his injuries and disregarded them.
4. The description of Does 1 through 10 as unknown correctional officers was insufficiently specific to permit fictitious-party pleading, so Doe defendants not associated with the transport-officer medical claim were dismissed; Alls was given 60 days to identify the unknown transport officers.
5. Alls failed to plausibly state claims against Emmons for failure to protect, delayed emergency response, failure to train, or failure to supervise because he did not allege personal participation, a sufficiently causal connection, actual knowledge of the relevant risk, or a widespread pattern, policy, or custom causing constitutional violations.

6. The claims against the Georgia Department of Corrections and against Captain Jackson and Emmons in their official capacities were barred by Eleventh Amendment sovereign immunity and were dismissed.

KEY QUOTATIONS

“To state a failure-to-protect claim, Alls must plausibly allege: (1) a substantial risk of serious harm; (2) deliberate indifference to that risk; and (3) causation.” (II.A)

“Supervisory officials are not liable under § 1983 for the unconstitutional acts of their subordinates on the basis of respondeat superior or vicarious liability.” (II.C)

“Alls has 60 days from the entry of this Order to properly identify the “unknown transport officers” and amend his complaint to assert a deliberate indifference to a serious medical need claim against them in their individual capacities.” (III)

FACTUAL BACKGROUND

Alls alleged that he was incarcerated in Georgia Department of Corrections custody in Cell House F, a housing unit with a history of violence and gang activity. He told correctional officers and Captain Jackson that he feared for his life and requested reclassification or removal, but Jackson allegedly ordered him back to Cell House F after telling him he could fight her or the inmates there. Approximately two days later, gang members attacked Alls with sharp instruments and a metal pipe, causing multiple stab wounds, head trauma, and a punctured lung. He further alleged that transport officers delayed taking him to the treating hospital and failed to provide medical assistance while he struggled to breathe.

PROCEDURAL HISTORY

Alls initially filed a civil-rights complaint and was granted leave to proceed in forma pauperis. After the Court conducted a frivolity review and ordered service on Captain Jackson, Alls amended his complaint to add defendants and claims. The Court screened the amended complaint, allowed the Eighth Amendment failure-to-protect claim against Captain Jackson in her individual capacity to proceed, dismissed the other asserted claims and defendants without prejudice, and granted Alls 60 days to identify the unknown transport officers and amend his complaint as to them.

DISPOSITION

other

CASES CITED

- Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)
- Thomas v. Harris, 399 F. App'x 508, 509 (11th Cir. 2010)
- Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Hughes v. Lott, 350 F.3d 1157, 1160 (11th Cir. 2003)

- *Osahar v. U.S. Postal Service*, 297 F. App'x 863, 864 (11th Cir. 2008)
- *Farmer v. Brennan*, 511 U.S. 825, 832, 837, 839, 844 (1994)
- *Hudson v. Palmer*, 468 U.S. 517, 526–27 (1984)
- *Helling v. McKinney*, 509 U.S. 25, 31–32 (1993)
- *Goodman v. Kimbrough*, 718 F.3d 1325, 1331 (11th Cir. 2013)
- *Bowen v. Warden Baldwin State Prison*, 826 F.3d 1312, 1320 (11th Cir. 2016)
- *Lane v. Philbin*, 835 F.3d 1302, 1307 (11th Cir. 2016)
- *Marbury v. Warden*, 936 F.3d 1227, 1233, 1235 (11th Cir. 2019)
- *Purcell ex rel. Estate of Morgan v. Toombs County, Georgia*, 400 F.3d 1313, 1320 (11th Cir. 2005)
- *Wade v. McDade*, 106 F.4th 1251, 1253, 1255, 1262 (11th Cir. 2024)
- *Rodriguez v. Secretary for Department of Corrections*, 508 F.3d 611, 617, 622–23 (11th Cir. 2007)
- *Nelson v. Tompkins*, 89 F.4th 1289, 1298 (11th Cir. 2024)
- *New v. Sports & Recreation, Inc.*, 114 F.3d 1092, 1094 n.1 (11th Cir. 1997)
- *Richardson v. Johnson*, 598 F.3d 734, 738 (11th Cir. 2010)
- *Dean v. Barber*, 951 F.2d 1210, 1215–16 (11th Cir. 1991)
- *Stalley*, 124 F.4th 1276, 1283 (11th Cir. 2025)
- *Hill v. DeKalb Regional Youth Detention Center*, 40 F.3d 1176, 1187 (11th Cir. 1994)
- *Hope v. Pelzer*, 536 U.S. 730, 739 (2002)
- *Farrow v. West*, 320 F.3d 1235, 1243 (11th Cir. 2003)
- *Keith v. DeKalb County*, 749 F.3d 1034, 1047–48 (11th Cir. 2014)
- *AFL-CIO v. City of Miami*, 637 F.3d 1178, 1190 (11th Cir. 2011)
- *Keating v. City of Miami*, 598 F.3d 753, 765 (11th Cir. 2010)
- *Myrick v. Fulton County*, 69 F.4th 1277, 1299 (11th Cir. 2023)
- *Piazza v. Jefferson County, Alabama*, 923 F.3d 947, 957 (11th Cir. 2019)
- *Alabama v. Pugh*, 438 U.S. 781, 782 (1978)
- *Stevens v. Gay*, 864 F.2d 113, 115 (11th Cir. 1989)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 70–71 (1989)
- *Justice v. United States*, 6 F.3d 1474, 1482 n.15 (11th Cir. 1993)
- *Burden v. Yates*, 644 F.2d 503, 505 (5th Cir. 1981)
- *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)

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