

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Ayoola Ajayi v. Bart Mortensen et al.

Ajayi · No. 2:24-CV-366-DAK · Decided May 12, 2026

SUMMARY

The United States District Court for the District of Utah grants Ayoola Ajayi's motion to file a Third Amended Complaint but finds that the complaint remains deficient. The court orders Ajayi to file a Fourth Amended Complaint curing deficiencies concerning personal participation, medical care, retaliation, failure to protect, classification, equal protection, defamation, and other claims. The court also denies motions for speedy review and to seal exhibits.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Dale A. Kimball
JURISDICTION	United States District Court for the District of Utah
DECIDED	May 12, 2026
DOCKET	2:24-CV-366-DAK
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a civil-rights action under 42 U.S.C. § 1983. The district court granted leave to file a third amended complaint, screened that complaint under 28 U.S.C. § 1915A, found multiple deficiencies, and ordered Plaintiff to file a fourth amended complaint curing them.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915A; the court must identify cognizable claims or dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pleading sufficiency was evaluated under Federal Rule of Civil Procedure 8.
PRECEDENTIAL VALUE	Unpublished interlocutory memorandum decision and order; limited persuasive value.
PARTIES	Ayoola Ajayi v. Bart Mortensen et al.

TOPICS

section 1983

prisoners rights

pleadings

civil procedure

motions to dismiss

PRACTICE AREAS

Civil rights

Prisoner civil rights

Federal civil procedure

Constitutional law

Pleading and screening

QUESTIONS PRESENTED

1. Whether the Third Amended Complaint stated sufficiently specific claims under Rule 8 and § 1983 by affirmatively linking each named defendant to the alleged constitutional violations.
2. Whether the Third Amended Complaint adequately pleaded claims concerning medical care, retaliation, failure to protect, equal protection, classification or programming, denied grievances, defamation, and access to courts.
3. Whether Plaintiff should be allowed to cure the pleading deficiencies by filing a Fourth Amended Complaint.
4. Whether Plaintiff's motion for speedy review and motion to seal exhibits should be granted.

HOLDINGS

1. The Third Amended Complaint was deficient because it did not adequately and concisely link each individual defendant to the elements of the claims asserted against that defendant.
2. A plaintiff asserting a § 1983 claim must allege that each government-official defendant personally participated in the constitutional violation; liability may not rest solely on supervisory status or respondeat superior.
3. To proceed, Plaintiff must plead facts satisfying the governing elements of each asserted claim, including deliberate indifference for inadequate medical care and failure to protect, protected activity and causation for retaliation, and differential treatment unrelated to legitimate penological interests for equal protection.
4. Plaintiff was permitted to file a Fourth Amended Complaint curing the identified deficiencies within thirty days, and the amended pleading had to stand alone and remain within the dates and allegations of the Third Amended Complaint.

KEY QUOTATIONS

“A plaintiff who brings a constitutional claim under § 1983 can't obtain relief without first satisfying the personal-participation requirement.”

“Because vicarious liability is inapplicable to Bivens and § 1983 suits, a plaintiff must plead that each Government-official defendant, through the official's own individual actions, has violated the Constitution.”

“To prevail on a failure to protect claim, an inmate must show (1) that the conditions of his incarceration present[ed] an objective substantial risk of serious harm and (2) prison officials had subjective knowledge of the risk of harm.”

FACTUAL BACKGROUND

Plaintiff Ayoola Ajayi, a prisoner proceeding pro se, alleged various constitutional and state-law violations involving medical treatment, retaliation, failure to protect, classification or programming, denied grievances, equal protection, defamation, and access to legal assistance. The Third Amended Complaint generally failed to identify what each individually named defendant did and how each defendant's conduct satisfied the elements of each claim. The court also identified possible respondeat-superior theories and claims potentially barred or limited by applicable constitutional and statutory standards.

PROCEDURAL HISTORY

Plaintiff moved to file a Third Amended Complaint, which the court granted. After statutory screening, the court determined that the complaint failed to adequately link individual defendants to the elements of the asserted claims and contained other pleading deficiencies. The court ordered Plaintiff to file a single Fourth Amended Complaint within thirty days, denied a motion for speedy review as premature, and denied a motion to seal exhibits.

DISPOSITION

other

CASES CITED

- Parkhurst v. Shannon, No. 24-8017, 2026 U.S. App. LEXIS 10915, at *7-8 (10th Cir. Apr. 16, 2026)
- Gallagher v. Shelton, 587 F.3d 1063, 1069 (10th Cir. 2009)
- Hale v. Federal Bureau of Prisons, 759 F. App'x 741, 752 (10th Cir. 2019)
- Mackey v. Krause, 2025 UT 37
- Lewis v. Casey, 518 U.S. 343, 356 (1996)
- Bounds v. Smith, 430 U.S. 817, 828 (1977)
- TV Communications Network, Inc. v. ESPN, Inc., 767 F. Supp. 1062, 1069 (D. Colo. 1991)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Dunn v. White, 880 F.2d 1188, 1197 (10th Cir. 1989)
- Murray v. Archambo, 132 F.3d 609, 612 (10th Cir. 1998)
- Bennett v. Passic, 545 F.2d 1260, 1262-63 (10th Cir. 1976)
- Stone v. Albert, 338 F. App'x 757, 759 (10th Cir. 2009)
- Robbins v. Oklahoma, 519 F.3d 1242, 1248, 1250 (10th Cir. 2008)
- Mitchell v. Maynard, 80 F.2d 1433, 1441 (10th Cir. 1996)
- Vasquez v. Davis, 882 F.3d 1270, 1275 (10th Cir. 2018)
- Pahls v. Thomas, 718 F.3d 1210, 1225 (10th Cir. 2013)
- Tonkovich v. Kansas Board of Regents, 159 F.3d 504, 532-33 (10th Cir. 1998)
- Estate of Roemer v. Johnson, 764 F. App'x 784, 790-91 & n.5 (10th Cir. 2019)
- Craig v. Eberly, 164 F.3d 490, 495 (10th Cir. 1998)
- Olson v. Stotts, 9 F.3d 1475, 1477 (10th Cir. 1993)

- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Farmer v. Brennan, 511 U.S. 825, 832-37, 843 n.8, 847 (1994)
- Sparks v. Singh, 690 F. App'x 598, 604 (10th Cir. 2017)
- Myers v. Turn Key Health Clinics, LLC, No. 24-5113, 2026 U.S. App. LEXIS 548, at *22 & n.6 (10th Cir. Jan. 9, 2026)
- Self v. Crum, 439 F.3d 1227, 1233 (10th Cir. 2006)
- Berry v. City of Muskogee, 900 F.2d 1489, 1495 (10th Cir. 1990)
- City of Canton v. Harris, 489 U.S. 378, 388 & n.7 (1989)
- Perkins v. Kansas Department of Corrections, 165 F.3d 803, 811 (10th Cir. 1999)
- Gee v. Pacheco, 627 F.3d 1178, 1192 (10th Cir. 2010)
- Lucas v. Turn Key Health Clinics, LLC, 58 F.4th 1127, 1137, 1139 & n.5 (10th Cir. 2023)
- Sealock v. Colorado, 218 F.3d 1205, 1209, 1211 (10th Cir. 2000)
- Paugh v. Uintah County, 47 F.4th 1139, 1159 (10th Cir.)
- Johnson v. Sanders, 121 F.4th 80, 94-95 (10th Cir. 2024)
- Allen v. Raemisch, 603 F. App'x 682, 684 (10th Cir. 2015)
- Adams v. Negron, 94 F. App'x 676, 678 (10th Cir. 2004)
- Sandin v. Conner, 515 U.S. 472, 484 (1995)
- Requena v. Roberts, 893 F.3d 1195, 1214 (10th Cir. 2018)
- Pittman v. Kahn, No. 23-1153, 2024 U.S. App. LEXIS 3043, at *3-4 (10th Cir. Feb. 9, 2024)