

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Jason Allen Girtler v. Officer T. Taddy, Officer Behrensprung, and
John Doe

Girtler · No. 25-cv-2047-bhl · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin screens Jason Allen Girtler’s amended 42 U.S.C. § 1983 complaint concerning an alleged failure to protect him from assault at the Manitowoc County Jail. The court finds that Girtler states a Fourteenth Amendment failure-to-protect claim against Officers Taddy and Behrensprung, but not against the John Doe supervisors. The court orders service on the two named officers, terminates the John Doe placeholder, and prohibits discovery until entry of a scheduling order.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	March 31, 2026
DOCKET	25-cv-2047-bhl
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se incarcerated plaintiff’s amended 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court screened the amended prisoner complaint under 28 U.S.C. § 1915A, determining whether it was frivolous, malicious, failed to state a plausible claim for relief, or sought monetary relief from an immune defendant.
PRECEDENTIAL VALUE	nonprecedential district court screening order
PARTIES	Jason Allen Girtler v. Officer T. Taddy, Officer Behrensprung, John Doe

TOPICS

section 1983

prisoners rights

civil rights

due process

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that Officers Taddy and Behrensprung failed to protect Girtler from a substantial risk of serious harm in violation of the Fourteenth Amendment.
2. Whether the amended complaint stated a claim against unidentified supervisory defendants who allegedly allowed or approved the move.
3. Whether the action should proceed to service against Taddy and Behrensprung and whether discovery should be deferred pending a scheduling order.

HOLDINGS

1. The amended complaint stated a plausible failure-to-protect claim against Officers Taddy and Behrensprung because it alleged that they intentionally forced Girtler to move to a pod where they knew he faced a serious risk of harm from other inmates.
2. The amended complaint failed to state a claim against the John Doe supervisors because the allegations did not permit a reasonable inference that they knew Girtler faced a risk of harm, and respondeat superior does not support supervisory liability under § 1983.
3. The case was permitted to proceed against Officers Taddy and Behrensprung, and the United States Marshal was ordered to serve them with the amended complaint and screening order.

KEY QUOTATIONS

“Incarcerated people have a clearly established right to be free from physical harm inflicted by others in the institution, and under section 1983 they may sue jail or prison staff who fail to protect them.”

“To state a cognizable claim under the federal notice pleading system, a plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief.””

FACTUAL BACKGROUND

In February 2023, Girtler had an altercation with other inmates after using a racially derogatory name and was placed in segregation. Officers Taddy and Behrensprung allegedly moved him to a pod adjoining his former pod despite his warning that inmates there posed a danger to him and his request to remain in segregation. After approximately three weeks, Girtler was attacked and severely beaten; he alleged that the officers knew of the risk created by the move.

PROCEDURAL HISTORY

Girtler initially filed a § 1983 complaint concerning an alleged failure to protect him from an assault at the Manitowoc County Jail. On February 26, 2026, the court found that the original complaint failed to state a claim

but granted leave to amend. After Girtler filed an amended complaint on March 9, 2026, the court screened it, allowed failure-to-protect claims to proceed against Officers Taddy and Behrensprung, dismissed the claims against the John Doe supervisors, ordered service and responsive pleadings, and stayed discovery pending a scheduling order.

DISPOSITION

other

CASES CITED

- Thomas v. Dart, 39 F.4th 835, 841 (7th Cir. 2022)
- Gentry v. Duckworth, 65 F.3d 555, 561 (7th Cir. 1995)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN JASON ALLEN GIRTLE, Plaintiff, v. Case No. 25-cv-2047-bhl OFFICER T. TADDY, OFFICER BEHRENSPRUNG, and JOHN DOE, Defendants. SCREENING ORDER Plaintiff Jason Allen Girtler, who is currently incarcerated at the Washington County Jail and representing himself, filed a complaint under 42 U.S.C. §1983, alleging that his civil rights were violated while he was incarcerated at the Manitowoc County Jail.

On February 26, 2026, the Court screened the complaint and after concluding that it failed to state a claim on which relief could be granted, gave Girtler the opportunity to file an amended complaint, which he did on March 9, 2026.

The Court will screen the amended complaint as required by 28 U.S.C. §1915A. SCREENING OF THE AMENDED COMPLAINT The Court has a duty to review any complaint in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity and must dismiss any complaint or portion thereof if the prisoner has raised any claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief.

28 U.S.C. §1915A(b). In screening a complaint, the Court must determine whether the complaint complies with the Federal Rules of Civil Procedure and states at least plausible claims for which relief may be granted. To state a cognizable claim under the federal notice pleading system, a plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief.” Fed.

R. Civ. P. 8(a)(2). It must be at least sufficient to provide notice to each defendant of what he or she is accused of doing, as well as when and where the alleged actions or inactions occurred, and the nature and extent of any damage or injury the actions or inactions caused. ALLEGATIONS OF

THE AMENDED COMPLAINT Girtler asserts that in February 2023, he had an altercation with Black inmates on his pod after he used a racially derogatory name.

Girtler was placed in segregation following the fight. On February 15, 2023, Defendant Officers Behrensprung and Taddy told him he was being moved to the pod that adjoined his previous pod. Girtler explains that the jail is small, and the two pods are separated by a door, through which inmates can communicate. According to Girtler, the inmates on his previous pod had informed the inmates on his new pod that he had used the racially derogatory name.

Girtler states that he told the officers that he has problems with people on both pods and that he preferred to stay in segregation. He asserts that they told him he had to move, and they took away his communication privileges. Girtler felt that he had to move to the new pod. Girtler explains that for about three weeks he avoided trouble, but eventually he was attacked and severely beaten.

Girtler asserts that the officers who moved him to the new pod were aware of the danger he faced on that pod because he told them. THE COURT’S ANALYSIS “Incarcerated people have a clearly established right to be free from physical harm inflicted by others in the institution, and under section 1983 they may sue jail or prison staff who fail to protect them.” *Thomas v. Dart*, 39 F.4th 835, 841 (7th Cir.

2022). A failure-to-protect claim brought by a pretrial detainee arises under the Fourteenth Amendment. *Id.* To state such a claim, a plaintiff must allege: “(1) The defendant made an intentional decision with respect to the conditions under which the plaintiff was confined; (2) Those conditions put the plaintiff at substantial risk of suffering serious harm; (3) The defendant did not take reasonable available measures to abate the risk—even though a reasonable officer in the circumstances would have appreciated the high degree of risk involved—making the consequences of the defendant’s conduct obvious; and (4) By not taking such measures, the defendant caused the plaintiff’s injuries.” *Id.* Based on the foregoing legal standard, Girtler states a claim against Officers Taddy and Behrensprung based on allegations that they forced him to move to a pod where they knew Girtler faced a serious risk of harm from other inmates.

Girtler does not, however, state a claim against John Doe supervisors who allegedly allowed or approved the move because the Court cannot reasonably infer from Girtler’s allegations that they were aware that Girtler faced a risk of harm and the doctrine of respondeat superior cannot be used to hold a supervisor liable for the misconduct of a subordinate. *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir.

1995). IT IS THEREFORE ORDERED that the United States Marshal shall serve a copy of the amended complaint and this order upon Manitowoc County Officer T. Taddy and Officer Behrensprung pursuant to Federal Rule of Civil Procedure 4. Girtler is advised that Congress

requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a).

The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2)–(3). Although Congress requires the Court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshals Service.

The Court is not involved in the collection of the fee. IT IS FURTHER ORDERED that Officer T. Taddy and Officer Behrensprung shall file a responsive pleading to the amended complaint. IT IS FURTHER ORDERED that Girtler does not state a claim against the John Doe Supervisors, so the clerk's office is directed to terminate the placeholder from this action. IT IS FURTHER ORDERED that the parties may not begin discovery until after the Court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated at Milwaukee, Wisconsin this 31st day of March, 2026. s/ Brett H. Ludwig BRETT H. LUDWIG United States District Judge