

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Tuqa Rahim Kadhem v. City of Columbus, Ohio, et al.

Kadhem · No. 2:26-cv-0011 · Decided January 27, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Tuqa Rahim Kadhem's application to proceed in forma pauperis and screens her complaint under 28 U.S.C. § 1915. The magistrate judge recommends dismissing the action for failure to state a claim under 42 U.S.C. § 1983, concluding that the complaint does not identify a specific constitutional violation, adequately plead municipal liability under Monell, or establish entitlement to injunctive relief. The order also recommends certifying that an appeal would not be taken in good faith and explains the procedure for filing objections.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Elizabeth A. Preston Deavers; James L. Graham
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 27, 2026
DOCKET	2:26-cv-0011
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a complaint under 42 U.S.C. § 1983 and sought leave to proceed in forma pauperis. The magistrate judge granted in forma pauperis status, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A, and recommended dismissal for failure to state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim inquiry applies Federal Rule of Civil Procedure 12(b)(6) standards. Pro se pleadings are liberally construed but must still satisfy Rule 8(a).

TOPICS

motions to dismiss

section 1983

municipal liability

injunctions

civil procedure

PRACTICE AREAS

civil rights

civil procedure

constitutional law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable claim under 42 U.S.C. § 1983 against the individual defendants.
2. Whether the complaint stated a municipal-liability claim against the City of Columbus under Monell.
3. Whether the request for an order correcting the police report stated a claim for injunctive relief.
4. Whether the complaint should be dismissed during in forma pauperis screening under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. The complaint failed to state a claim under 42 U.S.C. § 1983 because it did not identify with specificity any constitutional right violated and alleged only conclusorily that the defendants acted under color of state law.
2. The complaint failed to state a municipal-liability claim because it did not allege that a constitutional violation resulted from an official policy or custom of the City of Columbus.
3. The complaint failed to state a claim for injunctive relief because Plaintiff did not allege present harm or a significant possibility of future constitutional violations and cited no authority authorizing the requested order.

KEY QUOTATIONS

“Thus, Section 1915(e) requires sua sponte dismissal of an action upon the Court’s determination that the action is frivolous or malicious, or upon determination that the action fails to state a claim upon which relief may be granted.” (Standard of Review)

“To state a claim under this statute, a plaintiff must allege that (1) he or she was deprived of a right, privilege, or immunity secured by the federal Constitution or laws of the United States; and (2) the deprivation was caused by a person acting under color of state law.” (Analysis, PageID 6)

“For the foregoing reasons, the Undersigned RECOMMENDS that the Court DISMISS the Complaint pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted.”
(Conclusion)

FACTUAL BACKGROUND

Plaintiff alleged that Columbus police officers Frojas and Sprowl created a police report containing a false statement that she walked into the street and thereby violated her constitutional rights. She sought damages for emotional distress and reputational harm and requested an order requiring the City of Columbus to correct the police report. She also sued the City as the municipal entity responsible for the Columbus Division of Police, but did not identify a municipal policy, custom, inadequate training, tolerance of violations, or ratification by a final policymaker.

PROCEDURAL HISTORY

Plaintiff initiated the action by filing an application to proceed in forma pauperis and a complaint against the City of Columbus and two police officers. The court granted the application and conducted the required preliminary screening. The magistrate judge issued an order and report and recommendation recommending dismissal of the complaint in its entirety and certification that an appeal from an order adopting the recommendation would not be taken in good faith.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Any party seeking district-judge review was instructed to file specific objections within 14 days; responses were due within 14 days after service.

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324, 328-29 (1989)
- Brown v. Kruse, No. 1:15-CV-526, 2015 WL 5907557, at *1 (S.D. Ohio Aug. 24, 2015)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- 16630 Southfield Ltd. Partnership v. Flagstar Bank, F.S.B., 727 F.3d 502, 503 (6th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557 (2007)
- Garrett v. Belmont County Sheriff's Department, No. 08-3978, 2010 WL 1252923, at *2 (6th Cir. Apr. 1, 2010)
- Frengler v. General Motors, 482 F. App'x 975, 976-77 (6th Cir. 2012)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)
- Williams v. Cincy Urban Apartments, No. 1:10-CV-153, 2010 WL 883846, at *2 n.1 (S.D. Ohio Mar. 9, 2010)
- Carlock v. Williams, 182 F.3d 916, 1999 WL 454880, at *2 (6th Cir. June 22, 1999) (table)
- Flagg Bros. v. Brooks, 436 U.S. 149, 155-57 (1978)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 691 (1978)

- *Westbrook v. City of Cincinnati*, 667 F. Supp. 3d 665, 670 (S.D. Ohio 2023)
- *Burgess v. Fischer*, 735 F.3d 462, 478 (6th Cir. 2013)
- *National Rifle Association of America v. Magaw*, 132 F.3d 272, 279 (6th Cir. 1997)
- *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997)
- *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007)

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