

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, NORTHERN DIVISION

James Kwmae’ Battee v. Trevor Foley, et al.

No. 2:25-cv-72-JSD · No. No. 2:25-cv-72-JSD · Decided February 3, 2026

SUMMARY

The court grants James Kwmae’ Battee leave to proceed in forma pauperis and assesses an initial partial filing fee of \$16.40. After screening the § 1983 complaint, the court permits service of Battee’s individual-capacity Eighth Amendment excessive-force claim against Damian Austin, while dismissing without prejudice the official-capacity claim against Austin and the due-process claims against Trevor Foley and Clay Stanton. The court also denies Battee’s motion for appointment of counsel without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Northern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Northern Division
DECIDED	February 3, 2026
DOCKET	No. 2:25-cv-72-JSD
DISPOSITION	other
PROCEDURAL POSTURE	A self-represented state prisoner filed a 42 U.S.C. § 1983 action and moved to proceed in forma pauperis and for appointment of counsel. The court screened the complaint under 28 U.S.C. § 1915(e)(2), permitted the excessive-force claim against Damian Austin in his individual capacity to proceed, dismissed the remaining claims without prejudice, and denied appointment of counsel without prejudice.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e)(2), the court dismisses claims that are frivolous, malicious, or fail to state a claim. The court liberally construes a self-represented complaint, accepts well-pleaded facts as true, and evaluates whether the allegations state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

section 1983 prisoners rights civil rights due process civil procedure

PRACTICE AREAS

civil rights litigation prisoner litigation constitutional law federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly alleged that Damian Austin used excessive force in violation of the Eighth Amendment.
2. Whether Plaintiff stated a Fourteenth Amendment due process claim based on approximately three months in administrative segregation and alleged investigation and paperwork errors.
3. Whether official-capacity claims for damages against Missouri correctional employees are cognizable under 42 U.S.C. § 1983.
4. Whether appointment of counsel was warranted at the initial stage of the civil action.
5. What initial partial filing fee should be assessed under 28 U.S.C. § 1915(b)(1).

HOLDINGS

1. Plaintiff stated a plausible Eighth Amendment excessive-force claim because he alleged that Austin pepper-sprayed him without warning and then punched him in the face with sufficient force to knock him unconscious.
2. Plaintiff's official-capacity claims were dismissed because a state and state officials acting in their official capacities are not persons subject to a damages action under § 1983, and official-capacity damages claims are barred by the Eleventh Amendment.
3. Plaintiff failed to state a Fourteenth Amendment due process claim because approximately three months in administrative segregation, even if imposed without cause because of paperwork errors or an incomplete investigation, did not constitute an atypical and significant hardship under controlling Eighth Circuit precedent.
4. Appointment of counsel was not warranted at that stage and was denied without prejudice.

KEY QUOTATIONS

“The use of pepper spray against an inmate does not – without more – constitute excessive force under the Eighth Amendment.” (6)

“A prisoner who is placed in administrative segregation without cause for three months is not an atypical and significant hardship under the well-established precedent set by the Eighth Circuit.” (7)

FACTUAL BACKGROUND

Plaintiff alleged that while inmates were held in a prison gym during a housing-unit search, Defendant Damian Austin approached him with pepper spray, ordered him to get up, sprayed him without warning, and punched

him in the face, allegedly causing a brief loss of consciousness. Plaintiff further alleged that officers restrained him and that he received little follow-up medical care. He claimed that he was held in administrative segregation for approximately three months because of an incomplete investigation and inconsistent paperwork, and that prison officials violated his due process rights.

PROCEDURAL HISTORY

Plaintiff initiated this § 1983 action and submitted financial information supporting his request to proceed without prepaying fees. The court granted in forma pauperis status, assessed an initial partial filing fee of \$16.40, and conducted mandatory statutory screening. It dismissed the claims against Trevor Foley and Clay Stanton, dismissed the official-capacity claim against Austin, directed service of the individual-capacity claim against Austin, and denied counsel without prejudice.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 328 (1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)
- *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015)
- *Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2004)
- *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980)
- *McLean v. Gordon*, 548 F.3d 613, 618 (8th Cir. 2008)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 71 (1989)
- *Andrus ex rel. Andrus v. Arkansas*, 197 F.3d 953, 955 (8th Cir. 1999)
- *Hudson v. McMillan*, 503 U.S. 1, 9-10 (1992)
- *Burns v. Eaton*, 752 F.3d 1136, 1138, 1140 (8th Cir. 2014)
- *Jackson v. Gutzmer*, 866 F.3d 969, 974 (8th Cir. 2017)
- *Ward v. Smith*, 844 F.3d 717, 721 (8th Cir. 2016)
- *Whitley v. Albers*, 475 U.S. 312, 321 (1986)
- *Jones v. Shields*, 207 F.3d 491, 496 (8th Cir. 2000)
- *Walker v. Bowersox*, 526 F.3d 1186, 1189 (8th Cir. 2008)
- *Treats v. Morgan*, 308 F.3d 868, 873 (8th Cir. 2002)
- *Lawrence v. Bowersox*, 297 F.3d 727, 730 (8th Cir. 2002)
- *Phillips v. Norris*, 320 F.3d 844, 846-47 (8th Cir. 2003)
- *Singleton v. Cecil*, 155 F.3d 983, 987 (8th Cir. 1998)
- *Rahman X v. Morgan*, 300 F.3d 970, 973 (8th Cir. 2002)

- Portley-El v. Brill, 288 F.3d 1063, 1065 (8th Cir. 2002)
- Kennedy v. Blankenship, 100 F.3d 640, 641-42 (8th Cir. 1996)
- Wycoff v. Nichols, 94 F.3d 1187, 1190 (8th Cir. 1996)
- Williams v. Norris, 277 F. App'x 647, 648 (8th Cir. 2008)
- Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006)
- Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984)
- In re Lane, 801 F.2d 1040, 1043 (8th Cir. 1986)
- Edgington v. Missouri Department of Corrections, 52 F.3d 777, 780 (8th Cir. 1995)
- Doe v. Cassel, 403 F.3d 986, 989 (8th Cir. 2005)