

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

Mario Payne v. Commonwealth of Kentucky, et al.

Payne · No. 26-267-DLB · Decided June 18, 2026

SUMMARY

The court granted Mario Payne's motion to proceed in forma pauperis and dismissed his 42 U.S.C. § 1983 complaint concerning the alleged disclosure of competency-evaluation results during a state-court hearing. The court concluded that the complaint did not state a federal claim, that official-capacity claims were barred by the Eleventh Amendment, that any individual-capacity claim against the prosecutor was barred by absolute prosecutorial immunity, and that the claim was untimely. The action was stricken from the docket.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	June 18, 2026
DOCKET	26-267-DLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff, a state inmate proceeding pro se, filed a civil-rights complaint under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. Before service of process, the district court screened the complaint and dismissed it.
STANDARD OF REVIEW	At preliminary screening, the court accepted non-conclusory factual allegations as true and liberally construed the plaintiff's legal claims, while dismissing claims that were frivolous or malicious, failed to state a claim, or sought monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Mario Payne v. Commonwealth of Kentucky, Robert Sanders, in his official capacity

TOPICS

section 1983

civil rights

eleventh amendment immunity

statute of limitations

pleadings

PRACTICE AREAS

civil rights

constitutional law

civil procedure

government liability

remedies

QUESTIONS PRESENTED

1. Whether Payne stated a viable claim under 42 U.S.C. § 1983 when his allegations asserted state-law tort claims and did not plausibly allege a violation of federal law.
2. Whether the Eleventh Amendment barred Payne's damages claim against the Commonwealth of Kentucky and his official-capacity claim against Sanders.
3. Whether Sanders would be absolutely immune from an individual-capacity damages claim for conduct occurring during a competency hearing and related to the criminal proceeding.
4. Whether an individual-capacity § 1983 claim based on conduct occurring on August 19, 2024, was barred by Kentucky's one-year statute of limitations.

HOLDINGS

1. The complaint failed to state a viable § 1983 claim because it appeared to assert only state-law tort claims and did not plausibly allege a violation of federal law.
2. The Eleventh Amendment barred the damages claim against the Commonwealth of Kentucky and the official-capacity claim against Sanders because an official-capacity claim is effectively a claim against the State.
3. Even if liberally construed as an individual-capacity claim, Payne's claim against Sanders was barred by absolute prosecutorial, or quasi-judicial, immunity because the challenged conduct occurred during a court hearing and was directly related to the court's determination of Payne's competency.
4. Any individual-capacity § 1983 claim was barred by Kentucky's one-year statute of limitations because Payne filed suit approximately ten months after the limitations deadline.

KEY QUOTATIONS

“Likewise, his claim against Commonwealth’s Attorney Sanders in his official capacity is “in fact . . . against the official’s office and thus the sovereign itself.”” (2)

“First, “a prosecutor enjoys absolute immunity from § 1983 suits for damages when he acts within the scope of his prosecutorial duties.”” (2)

FACTUAL BACKGROUND

Payne alleged that, during a court hearing on August 19, 2024, Commonwealth's Attorney Robert Sanders shouted the results of Payne's competency evaluation in open court while members of the public were present. Payne sued the Commonwealth of Kentucky and Sanders in his official capacity for damages, asserting unspecified privacy violations, defamation, invasion of privacy, and intentional infliction of mental anguish. The

court noted that records appeared to show different dates for the competency evaluation and hearing but accepted Payne's alleged date for screening purposes.

PROCEDURAL HISTORY

Payne alleged that a prosecutor publicly disclosed the results of his competency evaluation during a court hearing and asserted privacy, defamation, invasion-of-privacy, and intentional-infliction-of-mental-anguish claims. The court granted in forma pauperis status for purposes of review, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A, dismissed the complaint, and struck the matter from the docket.

DISPOSITION

dismissed

CASES CITED

- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- Davis v. Prison Health Services, 679 F.3d 433, 437-38 (6th Cir. 2012)
- Ernst v. Rising, 427 F.3d 351, 358 (6th Cir. 2005)
- Edelman v. Jordan, 415 U.S. 651, 662-63 (1974)
- Lewis v. Clarke, 581 U.S. 155, 162 (2017)
- Hopper v. Phil Plummer, 887 F.3d 744, 760 n.4 (6th Cir. 2018)
- Imbler v. Pachtman, 424 U.S. 409, 420 (1976)
- Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976)
- Bonner v. Perry, 564 F.3d 424, 431 (6th Cir. 2009)
- Southeast Kentucky Baptist Hospital, Inc. v. Gaylor, 756 S.W.2d 467, 469 (Ky. 1988)
- Gray v. Lexington-Fayette Urban County Government, No. 5:13-CV-45-DCR, 2013 WL 3322609, at *8 (E.D. Ky. July 1, 2013)
- Commonwealth v. Payne, No. 24-CR-213 (Kenton Cir. Ct. 2024)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY NORTHERN DIVISION COVINGTON CIVIL ACTION NO. 26-267-DLB MARIO PAYNE PLAINTIFF VS. MEMORANDUM OPINION AND ORDER COMMONWEALTH OF KENTUCKY, ET AL. DEFENDANTS *** ** State inmate Mario Payne has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. # 1). He has also filed a motion to proceed in forma pauperis.

(Doc. # 2). The Court will grant the fee motion for purposes of review. The Court must review the complaint prior to service of process, and dismiss any claim that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is

immune from such relief. 28 U.S.C. §§ 1915(e)(2), 1915A; *Hill v. Lappin*, 630 F. 3d 468, 470-71 (6th Cir.

2010). At this stage of the case, the Court accepts all non-conclusory factual allegations in the complaint as true and liberally construes its legal claims in the plaintiff's favor. *Davis v. Prison Health Servs.*, 679 F.3d 433, 437-38 (6th Cir. 2012).

In his complaint Payne alleges that during a court hearing held on August 19, 2024, prosecutor Robert Sanders shouted out the results of Payne's competency evaluation in 1 open court where numerous members of the public were present.¹ See (Doc. # 1 at 4- 5). Payne sues the Commonwealth of Kentucky and Sanders in his official capacity for damages, claiming violation of unspecified privacy rights, defamation, invasion of privacy, and the intentional infliction of mental anguish.

See *id.* at 1-3. The Court has thoroughly reviewed the complaint, but concludes that it must be dismissed. As a preliminary matter, while Payne invokes Section 1983 as the vehicle for his claims, see *id.* at 3, he appears to assert only state law tort claims, not any violation of his federal statutory or constitutional rights. And his allegations do not plausibly suggest any violation of federal law.

The complaint therefore fails to state a viable claim under Section 1983. Even assuming a viable constitutional claim, Payne's claim against the Commonwealth of Kentucky itself is squarely barred by the Eleventh Amendment. See *Ernst v. Rising*, 427 F. 3d 351, 358 (6th Cir. 2005) (citing *Edelman v. Jordan*, 415 U.S. 651, 662-63 (1974)). Likewise, his claim against Commonwealth's Attorney Sanders in his official capacity is "in fact... against the official's office and thus the sovereign itself." *Lewis v. Clarke*, 581 U.S. 155, 162 (2017).

Because this claim is actually asserted against the Commonwealth of Kentucky, it too must be dismissed. See *Hopper v. Phil Plummer*, 887 F. 3d 744, 760 n.4 (6th Cir. 2018) (noting that an "official capacity" claim against a 1 Records filed in Payne's state criminal case indicate that the competency evaluation report was issued on February 26, 2025, and a competency hearing was held on April 8, 2025).

Both the evaluator and the state trial judge found Payne competent to stand trial. See *Commonwealth v. Payne*, No. 24-CR-213 (Kenton Cir. Ct. 2024) (Motion in Limine: Defense Expert Testimony, dated July 1, 2025). Searchable online Kentucky court records are available at <https://kcoj.kycourts.net/CourtNet/Search/Index> (last visited June 18, 2026).

For purposes of evaluating Payne's complaint, however, the Court accepts the date set forth in the complaint as true. ² state official is not a claim against the officer arising out of his or her conduct as an employee of the state, but is actually a claim directly against the state agency which employs

them). Even if the Court were to liberally construe Payne's claims as asserted against Sanders in his individual capacity, they would fail for two reasons.

First, "a prosecutor enjoys absolute immunity from § 1983 suits for damages when he acts within the scope of his prosecutorial duties." *Imbler v. Pachtman*, 424 U.S. 409, 420 (1976). Any conduct that is "intimately associated with the judicial phase of the criminal process" is protected. *Id.* at 430-31.

The conduct Payne complains of occurred during a court hearing regarding his case and was directly related to a matter being decided by that court – his trial competency. Sanders's conduct is therefore protected by absolute quasi-judicial immunity.

Second, any individual capacity claim would be barred by the applicable statute of limitations. The limitations period for constitutional torts committed in Kentucky is one year. See Ky. Rev. Stat. § 413.140(1)(a); *Bonner v. Perry*, 564 F.3d 424, 431 (6th Cir. 2009).

The conduct complained of occurred on August 19, 2024; Payne was therefore required to file suit under Section 1983 regarding it by August 19, 2025. Because Payne was not incompetent or of "unsound mind," tolling pursuant to Ky. Rev. Stat. 413.170(1) does not apply. Cf. *Se. Ky. Baptist Hosp., Inc. v. Gaylor*, 756 S.W.2d 467, 469 (Ky. 1988); *Gray v. Lexington-Fayette Urban Cty.*

Gov't, No. 5: 13-CV-45-DCR, 2013 WL 3322609, at *8 (E.D. Ky. July 1, 2013). Payne's complaint, filed ten months too late, is time barred and must be dismissed. 3 Accordingly, it is ORDERED as follows: 1. Plaintiff Mario Payne's motion to proceed in forma pauperis, (Doc. # 2), is GRANTED. 2. Payne's complaint, (Doc. # 1), is DISMISSED. 3. This matter is STRICKEN from the docket.

This 18th day of June, 2026. eee Signed By: Co David L. Bunning DB Chief United States District Judge G:\Judge-DLB\DATA\ORDERS\PSO Orders\Payne 2-26-267-DLB Memorandum.docx