

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, WESTERN DIVISION

Easton Lloyd Mercy v. Weston Bettelyoun

Mercy v. Bettelyoun · No. 5:25-CV-05068-RAL · Decided January 12, 2026

SUMMARY

The court grants Easton Lloyd Mercy leave to proceed in forma pauperis and conducts screening under 28 U.S.C. § 1915A. Mercy’s Eighth Amendment sexual-assault claim against a correctional officer in his official capacity is dismissed without prejudice because he does not allege that a Pennington County policy or custom caused the violation. The court permits Mercy 30 days to file an amended complaint, denies his motions to appoint counsel, and denies his request for an ex parte hearing.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	January 12, 2026
DOCKET	5:25-CV-05068-RAL
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action against a correctional officer solely in the officer's official capacity. The court granted leave to proceed in forma pauperis, screened the complaint under the Prison Litigation Reform Act, dismissed the official-capacity claim without prejudice for failure to state a claim, denied motions to appoint counsel and for an ex parte hearing, and granted 30 days to amend.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court assumed well-pleaded facts to be true, liberally construed the pro se complaint, and dismissed claims that were frivolous, malicious, failed to state a claim, or sought relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

civil procedure

motion to amend

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

municipal liability

QUESTIONS PRESENTED

1. Whether Mercy stated an actionable § 1983 claim against Bettelyoun in his official capacity without alleging that a Pennington County policy or custom caused the constitutional violation.
2. Whether Mercy should be granted leave to proceed in forma pauperis and have the initial partial filing fee waived.
3. Whether Mercy's motions to appoint counsel and for an ex parte hearing should be granted.

HOLDINGS

1. The official-capacity claim failed to state a claim because it was treated as a claim against Pennington County, and Mercy did not allege that a county policy or custom caused the alleged Eighth Amendment violation.
2. Mercy was granted leave to proceed in forma pauperis, and the initial partial filing fee was waived because he had no assets or means to pay it.
3. The motions to appoint counsel were denied because the claims did not appear complex and Mercy appeared capable of investigating and presenting them at that stage.

KEY QUOTATIONS

“A suit against a government officer in his official capacity is functionally equivalent to a suit against the employing governmental entity.”

“Although pro se pleadings are to be construed liberally, pro se litigants are not excused from failing to comply with substantive and procedural law[] and this Court may not act as Mercy’s counsel.”

“an amended complaint supersedes an original complaint and renders the original complaint without legal effect.”

FACTUAL BACKGROUND

Mercy, an inmate at the Pennington County Jail, alleged that correctional officer Weston Bettelyoun sexually abused him through the food access port of his cell while he was in administrative segregation. He asserted an Eighth Amendment claim under 42 U.S.C. § 1983, but sued Bettelyoun only in his official capacity. Mercy did not allege that Pennington County maintained a policy or custom that caused the alleged constitutional violation.

PROCEDURAL HISTORY

Mercy filed a pro se civil-rights complaint alleging an Eighth Amendment sexual-assault violation, along with an in forma pauperis motion and prisoner trust-account reports. During screening, the court treated the official-

capacity claim as a claim against Pennington County and found no allegation of a county policy or custom causing the alleged constitutional violation. The court dismissed the claim without prejudice but delayed entry of judgment for 30 days to permit amendment; it also denied Mercy's motions to appoint counsel and for an ex parte hearing.

DISPOSITION

other

CASES CITED

- Henderson v. Norris, 129 F.3d 481, 483 (8th Cir. 1997) (per curiam)
- McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)
- In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997)
- Est. of Rosenberg v. Crandell, 56 F.3d 35, 36 (8th Cir. 1995)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Bediako v. Stein Mart, Inc., 354 F.3d 835, 839 (8th Cir. 2004)
- Martin v. Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985)
- Ellis v. City of Minneapolis, 518 F. App'x 502, 504 (8th Cir. 2013) (per curiam)
- Davis v. Hall, 992 F.2d 151, 152 (8th Cir. 1993) (per curiam)
- Parker v. Porter, 221 F. App'x 481, 482 (8th Cir. 2007)
- Bell Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Beavers v. Lockhart, 755 F.2d 657, 663 (8th Cir. 1985)
- Abdullah v. Minnesota, 261 F. App'x 926, 927 (8th Cir. 2008) (per curiam)
- Whitley v. Albers, 475 U.S. 312, 319 (1986)
- Freitas v. Ault, 109 F.3d 1335, 1338 (8th Cir. 1997)
- Berryhill v. Schriro, 137 F.3d 1073, 1076 (8th Cir. 1998)
- Veatch v. Bartels Lutheran Home, 627 F.3d 1254, 1257 (8th Cir. 2010)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Marquez v. Peterson, No. 5:24-CV-05041-KES, 2025 WL 815208, at *4 (D.S.D. Mar. 13, 2025)
- Johnson v. Outboard Marine Corp., 172 F.3d 531, 535 (8th Cir. 1999)
- Clay v. Conlee, 815 F.2d 1164, 1170 (8th Cir. 1987)
- Burgs v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984) (per curiam)
- In re Wireless Tel. Fed. Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005)
- In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000)
- United States v. Vorachek, 563 F.2d 884, 886 (8th Cir. 1977) (per curiam)
- Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998)

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