

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

David L. Woodward v. Holly Shaw, et al.

No. 25-3252-JWL (D. Kan. Jan. 9, 2026) · No. 25-3252-JWL · Decided January 9, 2026

SUMMARY

The United States District Court for the District of Kansas issued a Memorandum and Order to Show Cause in a pro se prisoner civil-rights action brought under 42 U.S.C. § 1983. The court identified deficiencies in claims concerning failure to protect, conditions of confinement, deprivation of property, damages for emotional distress without physical injury, and supervisory liability. Plaintiff was given until February 9, 2026, to show cause why the complaint should not be dismissed, and two motions concerning the filing fee were granted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Kansas                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | John W. Lungstrum                                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the District of Kansas                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | January 9, 2026                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 25-3252-JWL                                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The court screened a pro se prisoner's civil-rights complaint under 28 U.S.C. § 1915A and ordered the plaintiff to show cause why the action should not be dismissed for failure to state a claim. The court also ruled on motions concerning clarification and payment of the initial partial filing fee.                                                                          |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or portion of it if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court liberally construes a pro se complaint, accepts well-pleaded allegations as true, and applies the plausibility standard under Twombly. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                                                         |
| PARTIES               | David L. Woodward v. Holly Shaw, Jeff Zmuda, Jesse Howes, Unit Team Manager Keon, Unit Team Supervisor Speer, Unit Team                                                                                                                                                                                                                                                             |

## TOPICS

section 1983   prisoners rights   cruel and unusual punishment   due process   civil procedure

## PRACTICE AREAS

civil rights   constitutional law   prisoner litigation   civil procedure

## QUESTIONS PRESENTED

1. Whether the complaint stated an Eighth Amendment failure-to-protect claim based on the theft of Woodward's property.
2. Whether the alleged conditions of confinement stated an Eighth Amendment claim.
3. Whether the alleged placement and conditions stated a Fourteenth Amendment due-process claim based on an atypical and significant hardship.
4. Whether the alleged loss or deprivation of property stated a Fourteenth Amendment due-process claim in light of an available state post-deprivation remedy.
5. Whether the complaint could seek compensatory or punitive damages for mental or emotional injury without alleging physical injury under 42 U.S.C. § 1997e(e).
6. Whether the claims against supervisory defendants failed for lack of allegations showing their personal participation.

## HOLDINGS

1. The alleged deprivation of property did not state an Eighth Amendment failure-to-protect claim because Woodward alleged no physical harm and an adequate state remedy existed for the property deprivation.
2. Woodward failed to allege facts showing that the challenged conditions were sufficiently serious or posed a substantial risk of serious harm to his health or safety; the court therefore ordered him to show cause why the claim should not be dismissed.
3. The complaint did not allege that Woodward's approximately fifty-five-day placement in segregation constituted an atypical and significant hardship in relation to the ordinary incidents of prison life, so it failed to state a due-process claim.
4. The property-deprivation claim failed to state a due-process violation because Kansas provides an adequate post-deprivation remedy and Woodward did not allege that such a remedy was unavailable or inadequate.
5. Because Woodward alleged no physical injury, his claims for compensatory or punitive damages based on pain and suffering were subject to dismissal under 42 U.S.C. § 1997e(e).
6. The claims against the Secretary of the Kansas Department of Corrections and the warden failed because Woodward did not allege their personal participation in the asserted constitutional violations;

supervisory status alone is insufficient.

## KEY QUOTATIONS

*“Plaintiff has not shown that the conditions were more than uncomfortable – that they rose to the level of “conditions posing a substantial risk of serious harm” to his health or safety.” (Section III.B)*

*“Because an adequate, state post-deprivation remedy exists, Plaintiff must show good cause why his property claim should not be dismissed for failure to state a claim.” (Section III.C)*

*“Mere supervisory status is insufficient to create personal liability.” (Section III.E)*

## FACTUAL BACKGROUND

Woodward, an inmate at Lansing Correctional Facility, alleged that three inmates entered his cell after someone opened the electronic lock and stole his television, fan, and game console. After requesting protective custody, he alleged that he spent five hours in a shower enclosure, two nights in a crisis cell with only a plastic bench, and approximately fifty-five days in disciplinary segregation with restrictions on clothing, bedding, cleaning supplies, property, recreation, and canteen access. He also alleged that his property was taken to central property and later could not be located, and he sought damages for the property loss and pain and suffering.

## PROCEDURAL HISTORY

Woodward filed a pro se action under 42 U.S.C. § 1983 concerning alleged failure to protect him, prison conditions, deprivation of property, and damages for emotional suffering. The court granted leave to proceed in forma pauperis and assessed an initial partial filing fee. Rather than dismissing immediately, the court ordered Woodward to show cause by February 9, 2026, why the complaint should not be dismissed, and granted his motions to clarify the filing fee and extend the deadline for payment.

## DISPOSITION

other

## CASES CITED

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Northington v. Jackson, 973 F.2d 1518, 1523 (10th Cir. 1992)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 558, 570 (2007)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)

- Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-kansas-united-states-district-court-for-the-district-of-kansas/2026/david-l-woodward-v-holly-shaw-et-al-u0mm8dk0>