

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Timmathy Moore v. Sgt. Baxter Robert, et al.

Moore · No. 4:25-CV-00128-JHM · Decided April 22, 2026

SUMMARY

The court conducted an initial review under 28 U.S.C. § 1915A of Timmathy Moore’s pro se § 1983 prisoner civil-rights complaint. It allowed individual-capacity Eighth Amendment excessive-force and deliberate-indifference claims against Sergeant Baxter and First Amendment legal-mail claims against Spurling and Leahy to proceed, while dismissing official-capacity claims and all claims against Warden Lane. The court directed the Clerk to terminate Lane as a party and stated that a separate service and scheduling order would issue.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
WRITING FOR THE COURT	Joseph H. McKinley Jr., Senior Judge
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	April 22, 2026
DOCKET	4:25-CV-00128-JHM
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a pro se prisoner's amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or any portion of it that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. For failure to state a claim, the court applies the plausibility standard, views the complaint in the light most favorable to the plaintiff, accepts well-pleaded factual allegations as true, and need not accept bare legal conclusions.
PRECEDENTIAL VALUE	Unpublished district-court memorandum opinion and order; generally nonprecedential.

PARTIES

Timmathy Moore v. Sgt. Baxter Robert, K. Spurling, T. Leahy,
Timothy W. Lane, et al.

TOPICS

section 1983 prisoners rights first amendment cruel and unusual punishment
eleventh amendment immunity

PRACTICE AREAS

Civil rights Prisoner civil rights Constitutional litigation Federal civil procedure

QUESTIONS PRESENTED

1. Whether Moore's official-capacity claims for damages were barred because state officials sued in their official capacities are not persons under § 1983 and are protected by Eleventh Amendment immunity.
2. Whether Moore's official-capacity claims for injunctive relief became moot after his transfer to another correctional facility.
3. Whether the allegations against Baxter plausibly stated Eighth Amendment excessive-force and deliberate-indifference-to-medical-needs claims.
4. Whether the allegations that Spurling and Leahy interfered with Moore's outgoing legal mail plausibly stated First Amendment claims.
5. Whether Moore stated a constitutional claim based on prison officials' failure to properly process grievances.
6. Whether Warden Lane could be held liable under § 1983 based on supervisory status, awareness of alleged misconduct, or failure to take remedial action.

HOLDINGS

1. Official-capacity claims for damages against state employees fail under § 1983 because such claims are treated as claims against the Commonwealth, state officials sued in their official capacities for damages are not persons subject to suit under § 1983, and the Eleventh Amendment bars the damages claims.
2. Moore's official-capacity claims for injunctive relief were dismissed as moot because his transfer from Green River Correctional Complex eliminated the ongoing controversy concerning relief against officials at that facility.
3. Moore plausibly stated an Eighth Amendment excessive-force claim and an Eighth Amendment deliberate-indifference-to-medical-needs claim against Baxter in his individual capacity.
4. Moore plausibly stated First Amendment legal-mail claims against Spurling and Leahy in their individual capacities.
5. Moore failed to state a constitutional claim based on Spurling's or Lane's alleged failure to properly process, consider, or respond to his prison grievances because prisoners have no constitutional right to an effective or unfettered prison grievance procedure.

6. Lane could not be held liable under § 1983 merely because he supervised the other defendants, was aware of alleged misconduct, or failed to take remedial or disciplinary action.

KEY QUOTATIONS

“In order to survive dismissal for failure to state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (Section II)

“There must be a showing that the supervisor encouraged the specific incident of misconduct or in some other way directly participated in it.” (Section III.B.4)

“All circuits to consider this issue have . . . found that there is no constitutionally protected due process right to unfettered access to prison grievance procedures.” (Section III.B.2)

FACTUAL BACKGROUND

Moore, a convicted prisoner, alleged that Sergeant Baxter sprayed him with O.C. spray while he was handcuffed and shackled, despite his asthma and without consulting medical staff. He alleged that prison officials Spurling and Leahy opened or interfered with outgoing legal mail and that Warden Lane failed to respond to complaints and was responsible for subordinate conduct. Moore had been transferred from Green River Correctional Complex to the Kentucky State Penitentiary by the time of review.

PROCEDURAL HISTORY

Moore filed a § 1983 prisoner civil-rights action against employees of Green River Correctional Complex in their individual and official capacities. On initial review, the court dismissed the official-capacity claims, the claims against Warden Lane, and the grievance-related claims, while allowing specified excessive-force, deliberate-indifference, and legal-mail claims to proceed.

DISPOSITION

other

CASES CITED

- *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)
- *Jones v. Bock*, 549 U.S. 199 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009)
- *Gunasekera v. Irwin*, 551 F.3d 461, 466 (6th Cir. 2009)
- *Columbia Natural Res., Inc. v. Tatum*, 58 F.3d 1101, 1109 (6th Cir. 1995)
- *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972)
- *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991)
- *McDonald v. Hall*, 610 F.2d 16, 19 (1st Cir. 1979)

- Flint ex rel. Flint v. Ky. Dep't of Corr., 270 F.3d 340, 351 (6th Cir. 2001)
- Gomez v. Toledo, 446 U.S. 635, 640 (1980)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Christy v. Randlett, 932 F.2d 502, 504 (6th Cir. 1991)
- Kentucky v. Graham, 473 U.S. 159, 166, 169 (1985)
- Monell v. N.Y.C. Dep't of Soc. Servs., 436 U.S. 658, 691 n.55 (1978)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Wilson v. Yaklich, 148 F.3d 596, 601 (6th Cir. 1998)
- Kensu v. Haigh, 87 F.3d 172, 174–75 (6th Cir. 1996)
- Sallier v. Brooks, 343 F.3d 868, 873–74 (6th Cir. 2003)
- Davis v. Goord, 320 F.3d 346, 351 (2d Cir. 2003)
- Walker v. Mich. Dep't of Corr., 128 F. App'x 441, 445 (6th Cir. 2005) (per curiam)
- Argue v. Hofmeyer, 80 F. App'x 427, 430 (6th Cir. 2003)
- LaFlame v. Montgomery Cnty. Sheriff's Dep't, 3 F. App'x 346, 348 (6th Cir. 2001)
- Taylor v. Mich. Dep't of Corr., 69 F.3d 76, 80–81 (6th Cir. 1995)
- Bellamy v. Bradley, 729 F.2d 416, 421 (6th Cir. 1984)
- Leary v. Daeschner, 349 F.3d 888, 903 (6th Cir. 2003)
- Spirdione v. Washington, No. 2:22-CV-11018, 2022 WL 1557373, at *2 (E.D. Mich. May 17, 2022)
- Walker v. Norris, 917 F.2d 1449, 1457 (6th Cir. 1990)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY OWENSBORO
DIVISION CIVIL ACTION NO. 4:25-CV-00128-JHM TIMMATHY MOORE PLAINTIFF v.
SGT BAXTER ROBERT, et al. DEFENDANTS MEMORANDUM OPINION AND ORDER This
is a pro se 42 U.S.C. § 1983 prisoner civil-rights action. This matter is before the Court on initial
review of the complaint pursuant to 28 U.S.C. § 1915A.

For the reasons stated below, the Court will dismiss some claims and allow others to proceed. I.
Plaintiff Timmathy Moore, a convicted prisoner, initiated this action asserting claims against
Defendants Green River Correctional Complex (“GRCC”) Sergeant Baxter Robert¹, GRCC
Grievance Coordinator K. Spurling, GRCC Mailroom Supervisor T. Leahy, and GRCC Warden
Timothy W. Lane in their individual and official capacities.

[DN 1, DN 20]. Plaintiff alleges that on May 19, 2025, Defendant Baxter sprayed him in the face
with O.C. spray while he was in handcuffs and shackles. Plaintiff further asserts that before he
sprayed Plaintiff, Defendant Baxter failed to consult with medical staff to see if Plaintiff was
medically permitted to be sprayed. Plaintiff represents that because of his asthma he is not
permitted to be sprayed with O.C. spray.

As a result of Defendant Baxter's use of the O.C. spray, Plaintiff alleges that he now has a spot on his lung. 1 Plaintiff also identified Defendant Baxter Robert as Robert Baxter in his amended complaint. [DN 20]. For purposes of this motion, the Court will identify him as Defendant Baxter in light of the incident report attached to Plaintiff's amended complaint.

[DN 20-1 at 1]. Plaintiff complains that Defendant Spurling opened an outgoing legal letter on January 15, 2025, without Plaintiff's consent and showed the letter to Defendant Leahy. Plaintiff also alleges that Defendant Spurling attempted to cover up Plaintiff's complaints and his medical illness "because he did not let me grieve a lot of my issues," misrepresented that he put in some of the grievances, and tampered with some grievances.

[DN 1 at 4]. Further, Plaintiff alleges that Defendant Spurling in reviewing Plaintiff's grievance also incorrectly decided that Defendant Leahy properly opened his mail because it was not legal mail. [DN 20 at 13]. Plaintiff maintains that on January 15, 2025, Defendant Leahy told Plaintiff that he could not send out any lawsuit in the mail. Plaintiff represents that he was forced to show Defendant Leahy the contents of his envelope.

Plaintiff states that he then sealed up the envelope, left the mailroom, then returned, and was informed that Defendants Spurling and Leahy had opened his outgoing legal mail. Plaintiff argues that Defendants Spurling and Leahy also swapped addresses out, sent his mail to another address, and changed "the chain of custody on the commissioner's signature." [DN 1 at 5].

Plaintiff asserts that these Defendants interfered with his mail during the time he was at GRCC. [DN 1-2 at 2]. In his amended complaint, Plaintiff also alleges that Defendant Leahy violated KDOC Policy and Procedure CPP 16.2 by opening legal mail. [DN 20 at 2]. Plaintiff contends that he told Defendant Lane that Defendant Spurling was screening all his mail.

He alleges that Defendant Lane never responded to the multiple complaints he sent to him, but instead he withheld letters from being scanned into "Koms." As relief, Plaintiff seeks damages, a biopsy, release from illegal detention, restoration of good time credit, expungement of his record, parole, and payment of all his court fees. II.

Because Plaintiff is a prisoner seeking relief against governmental entities, officers, and/or employees, this Court must review the complaint under 28 U.S.C. § 1915A. Under § 1915A, the Court must review the complaint and dismiss the complaint, or any portion of the complaint, if the Court determines that it 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.

See § 1915A(b)(1), (2); *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007). In order to survive dismissal for failure to state a claim, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim

to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 570 (2007)). “[A] district court must (1) view the complaint in the light most favorable to the plaintiff and (2) take all well-pleaded factual allegations as true.” *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009) (citing *Gunasekera v. Irwin*, 551 F.3d 461, 466 (6th Cir. 2009) (citations omitted)). “But the district court need not accept a ‘bare assertion of legal conclusions.’” *Tackett*, 561 F.3d at 488 (quoting *Columbia Natural Res., Inc. v. Tatum*, 58 F.3d 1101, 1109 (6th Cir.

1995)). Although this Court recognizes that pro se pleadings are to be held to a less stringent standard than formal pleadings drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991), “[o]ur duty to be ‘less stringent’ with pro se complaints does not require us to conjure up unpled allegations.” *McDonald v. Hall*, 610 F.2d 16, 19 (1st Cir.

1979) (citation omitted). III. Section 1983 creates no substantive rights but merely provides remedies for deprivations of rights established elsewhere. *Flint ex rel. Flint v. Ky. Dep’t of Corr.*, 270 F.3d 340, 351 (6th Cir. 2001). Two elements are required to state a claim under § 1983. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980). “A plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” *West v. Atkins*, 487 U.S. 42, 48 (1988). “Absent either element, a section 1983 claim will not lie.” *Christy v. Randlett*, 932 F.2d 502, 504 (6th Cir.

1991). A. Official-Capacity Claims “[O]fficial-capacity suits... ‘generally represent [] another way of pleading an action against an entity of which an officer is an agent.’” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (quoting *Monell v. N.Y.C. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 n.55 (1978)). Plaintiff sues Defendants in their official capacities.

The warden and correctional officers are state employees or officials. Claims brought against state employees in their official capacities are no different from a suit against the Commonwealth of Kentucky. See *Graham*, 473 U.S. at 166. When state officials are sued in their official capacities for damages, they are not “persons” subject to suit within the meaning of § 1983.

Will v. Mich. Dep’t of State Police, 491 U.S. 58, 71 (1989) (concluding that a state, its agencies, and its officials sued in their official capacities for damages are not considered persons for the purpose of a § 1983 claim).

Moreover, state officials sued in their official capacities for damages are also absolutely immune from § 1983 liability under the Eleventh Amendment. See *Kentucky v. Graham*, 473 U.S. 159, 169

(1985) (“This Eleventh Amendment bar remains in effect when State officials are sued for damages in their official capacity.”).

For these reasons, the Court will dismiss Plaintiff’s official-capacity claims for damages for failure to state a claim upon which relief may be granted and for seeking damages from Defendants immune from such relief. Similarly, Plaintiff’s official-capacity claims for injunctive relief against Defendants are likewise dismissed. Plaintiff has been transferred from GRCC to the Kentucky State Penitentiary.

As such, Plaintiff’s requests for injunctive relief against Defendants are subject to dismissal because they have been rendered moot by Plaintiff’s transfer from GRCC. See *Wilson v. Yaklich*, 148 F.3d 596, 601 (6th Cir. 1998) (holding that a prisoner’s claims for injunctive relief became moot after he was transferred to another facility); *Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir.

1996) (same). Thus, Plaintiff’s claims for injunctive relief will be dismissed for failure to state a claim upon which relief may be granted. B. Individual-Capacity Claims 1. Defendant Baxter Plaintiff alleges that Defendant Baxter used excessive force against him by spraying him with O.C. spray prior to contacting medical to see if he could be sprayed. Upon consideration, the Court will allow an Eighth Amendment excessive-force claim and an Eighth Amendment deliberate-indifference-to-medical-needs claim to proceed against Defendant Baxter.

2. Defendant Spurling Plaintiff alleges that Defendant Spurling violated his rights by interfering with his legal mail and failing to properly file and consider Plaintiff’s grievances. The First Amendment affords inmates the right to receive mail. See *Sallier v. Brooks*, 343 F.3d 868, 873 (6th Cir. 2003). Courts ascribe particular significance to this right when “legal mail” is involved, granting special protection to “correspondence that impacts upon or has import for the prisoner’s legal rights, the attorney-client privilege, or the right of access to the courts.” *Id.* at 874 (citing *Kensu v. Haigh*, 87 F.3d 172, 174 (6th Cir.

1996); *Davis v. Goord*, 320 F.3d 346, 351 (2d Cir. 2003)). Upon consideration, the Court will allow a First Amendment legal mail claim to proceed against Defendant Spurling. With respect to Plaintiff’s grievance claim, Plaintiff has not stated a claim because prisoners do not possess a constitutional right to a prison grievance procedure. See *Walker v. Mich. Dep’t of Corr.*, 128 F. App’x 441, 445 (6th Cir.

2005) (per curiam) (“All circuits to consider this issue have... found that there is no constitutionally protected due process right to unfettered access to prison grievance procedures.”); *Argue v. Hofmeyer*, 80 F. App’x 427, 430 (6th Cir. 2003) (“there is no inherent constitutional right to an effective prison grievance procedure”) (citing cases); *LaFlame v. Montgomery Cnty.*

Sheriff’s Dep’t, 3 F. App’x 346, 348 (6th Cir. 2001) (same). Thus, Plaintiff’s grievance claim against Defendant Spurling will be dismissed for failure to state a claim. 3. Defendant Leahy Upon

consideration, the Court will allow a First Amendment legal mail claim to proceed against Defendant Leahy. 4. Defendant Lane Plaintiff complains that Defendant Lane failed to respond to Plaintiff's grievances, letters, or complaints of excessive force.

Plaintiff has not stated a claim because, as discussed above, prisoners do not possess a constitutional right to a prison grievance procedure. See *Walker*, 128 F. App'x at 445. Plaintiff also alleges that Defendant Lane is responsible for the actions of Defendant Baxter. This claim will be dismissed as well. Defendant Lane is not liable for the behavior of Defendant Baxter and the other Defendants because he is their supervisor.

See *Monell*, 436 U.S. at 691; *Taylor v. Mich. Dep't of Corr.*, 69 F.3d 76, 80–81 (6th Cir. 1995); *Bellamy v. Bradley*, 729 F.2d 416, 421 (6th Cir. 1984). Rather, to establish supervisory liability in a § 1983 action, “[t]here must be a showing that the supervisor encouraged the specific incident of misconduct or in some other way directly participated in it.” *Bellamy*, 729 F.2d at 421 (citation omitted). “[S]imple awareness of employees’ misconduct does not lead to supervisor liability.” *Leary v. Daeschner*, 349 F.3d 888, 903 (6th Cir.

2003) (citation omitted). Additionally, the alleged failure of Defendant Lane “to take any remedial or disciplinary action against prison personnel for the alleged violation of [Plaintiff’s] constitutional rights did not ratify prison personnel’s alleged violations of [P]laintiff’s constitutional rights, so as to permit [this Defendant] to be held liable under [§ 1983].” *Spirdione v. Washington*, No. 2:22-CV-11018, 2022 WL 1557373, at *2 (E.D.

Mich. May 17, 2022) (citing *Walker v. Norris*, 917 F.2d 1449, 1457 (6th Cir. 1990)). For these reasons, the Court will dismiss Plaintiff’s claims against Defendant Lane for failure to state a claim. IV. CONCLUSION For the foregoing reasons, IT IS ORDERED as follows: 1.

The following claims are allowed to proceed against Defendants in their individual capacities: an Eighth Amendment excessive-force claim and a deliberate-indifference-to-medical- needs claim against Defendant Baxter and First Amendment legal mail claims against Defendants Spurling and Leahy.

In allowing these claims to proceed, the Court passes no judgment upon their merits or upon the ultimate outcome of this action. 2. Plaintiff’s official capacity claims against Defendants and claims against Defendant Lane are DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief can be granted and for seeking damages from Defendants immune from such relief.

3. Because no claims remain against him, the Clerk of Court is DIRECTED to terminate Defendant Lane as a party to this action. 4. The Court will enter a separate Service and Scheduling Order to govern the continuing claims. Date: April 22, 2026 Ar □ "1iSalanf Joseph H. McKinley

Jr., Senior Judge United States District Court ce: Plaintiff, pro se General Counsel, Justice & Public Safety Cabinet, Office of Legal Counsel 4414.014

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-ken/2026/timmathy-moore-v-sgt-baxter-robert-et-al-umt0s9o0>