

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. Wrigglesworth*, 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)