

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE

Marcus Collier v. Deandre Coder, et al.

Collier · No. 3:25-cv-00568 · Decided April 28, 2026

SUMMARY

The court grants Marcus Collier leave to proceed in forma pauperis and assesses the applicable filing fee under the Prison Litigation Reform Act. On initial review, the court allows his Eighth Amendment excessive-force claim to proceed against correctional officers Deandre Carter and Joshua Gather, dismisses the Tennessee Department of Correction, denies appointment of counsel as premature, and grants his motions to ascertain status.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee
WRITING FOR THE COURT	Eli J. Richardson
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	April 28, 2026
DOCKET	3:25-cv-00568
DISPOSITION	other
PROCEDURAL POSTURE	The court conducted initial review of a pro se prisoner's amended complaint under the Prison Litigation Reform Act and ruled on his application to proceed in forma pauperis, motion for appointment of counsel, and motions to ascertain status.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915A and 1915(e)(2), the court screens the complaint for frivolousness, maliciousness, failure to state a claim, and claims against immune defendants. The court applies the Rule 12(b)(6) plausibility standard, accepts well-pleaded factual allegations and reasonable inferences as true, liberally construes the pro se pleading, and does not accept legal conclusions or unwarranted factual inferences.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; persuasive rather than binding precedent.

PARTIES

Marcus Collier v. Deandre Coder, Joshua Gather, Tennessee
Department of Correction

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

civil rights

civil procedure

PRACTICE AREAS

Prisoner civil rights

Constitutional law

Civil procedure

Eighth Amendment excessive force

In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged an Eighth Amendment excessive-force claim against Carter and Gather.
2. Whether the Tennessee Department of Correction is a proper defendant under 42 U.S.C. § 1983.
3. Whether dismissal of Collier's disciplinary assault-on-staff charge is available relief under § 1983.
4. Whether Collier should be permitted to proceed in forma pauperis and whether counsel should be appointed at the pleading stage.

HOLDINGS

1. The amended complaint plausibly alleged that the force used and injuries sustained were sufficiently serious and that some of the officers' actions may have been malicious or unnecessary; the excessive-force claim against Carter and Gather therefore may proceed for factual development.
2. TDOC is an arm of the State of Tennessee and is not a person subject to suit under § 1983 in its own name; TDOC was dismissed.
3. Dismissal of the disciplinary charge is not available relief under § 1983 on the allegations presented.

KEY QUOTATIONS

“The “core judicial inquiry” in considering such a claim is “whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm.””

“However, the Court cannot determine at this point whether all of Defendants’ alleged actions in response to Plaintiff’s unruliness were taken in good faith, or whether some were taken for the purpose of causing harm.”

“TDOC is a state agency and, as such, is an arm of the state not properly sued in its own name under Section 1983.”

FACTUAL BACKGROUND

Collier alleged that correctional officers Deandre Carter and Joshua Gather used force against him while escorting him in handcuffs after he insulted Carter, threatened to spit in his face, and jumped toward him. He

alleged that the officers tightened his restraints, struck him, pushed his face into a corner, slammed him to the ground, and punched him in the mouth, causing injuries to his wrists, shoulders, and lip. He also sought dismissal of a disciplinary assault-on-staff charge and referred to a later incident involving unidentified officers, inadequate clothing, and allegedly deficient cell conditions.

PROCEDURAL HISTORY

Collier filed an amended 42 U.S.C. § 1983 complaint, an application to proceed in forma pauperis, a motion for appointment of counsel, and two motions to ascertain status. The court granted pauper status, assessed the statutory filing fee, allowed the Eighth Amendment excessive-force claim to proceed against Carter and Gather, dismissed TDOC, denied appointment of counsel without prejudice as premature, and granted the status motions.

DISPOSITION

other

CASES CITED

- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Carl v. Muskegon County, 763 F.3d 592, 595 (6th Cir. 2014)
- National Rifle Association of America v. Vullo, 602 U.S. 175, 181 (2024)
- Inner City Contracting, LLC v. Charter Township of Northville, Michigan, 87 F.4th 743, 749 (6th Cir. 2023)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Butler v. Trett, No. 619CV00187GFVTEBA, 2021 WL 5218537, at *4 (E.D. Ky. July 15, 2021)
- Rhodes v. Chapman, 452 U.S. 337, 346 (1981)
- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Wilkins v. Gaddy, 559 U.S. 34, 37 (2010)
- Hudson v. McMillian, 503 U.S. 1, 7 (1992)
- Cordell v. McKinney, 759 F.3d 573, 580 (6th Cir. 2014)
- Williams v. Curtin, 631 F.3d 380, 383-84 (6th Cir. 2011)
- Padgett v. TDOC, No. 2:21-CV-59-DCLC-CRW, 2021 WL 1112784, at *3 (E.D. Tenn. Mar. 23, 2021)
- Hix v. Tennessee Department of Correction, 196 F. App'x 350, 355 (6th Cir. 2006)
- Mujihad v. Harrison, 172 F.3d 49 (Table), 1998 WL 940243, at *2 (6th Cir. 1998)
- Edwards v. Balisok, 520 U.S. 641, 646, 648 (1997)
- Schreiber v. Moe, 596 F.3d 323, 334 (6th Cir. 2010)
- Gunn v. Civic, No. 1:24-cv-00073, 2025 WL 350242, at *3 (M.D. Tenn. Jan. 30, 2025)

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