

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Deandre M. Alexander v. Unknown McVean

No. 4:25-cv-13874 (E.D. Mich. Dec. 19, 2025) · No. 4:25-cv-13874 · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan summarily dismissed Deandre M. Alexander’s 42 U.S.C. § 1983 complaint against a correctional-facility food supervisor. The court held that a single, brief incident of verbal sexual harassment, without physical contact or a threat of contact, did not state an Eighth Amendment claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	December 19, 2025
DOCKET	4:25-cv-13874
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action alleging that a correctional-facility food supervisor subjected him to sexually harassing language. The court reviewed the in forma pauperis complaint before service under the Prison Litigation Reform Act and summarily dismissed it for failure to state a claim.
STANDARD OF REVIEW	The court screened the in forma pauperis prisoner complaint under 28 U.S.C. § 1915(e)(2), accepting well-pleaded allegations as true and liberally construing the pro se pleading, while requiring sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status is not stated in the opinion.
PARTIES	Deandre M. Alexander v. Unknown McVean

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

civil rights

pleadings

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether a single, brief, sexually harassing verbal remark by a correctional employee, without physical contact or a threat of contact, states a claim for violation of the Eighth Amendment under 42 U.S.C. § 1983.
2. Whether the complaint should be summarily dismissed under 28 U.S.C. § 1915(e)(2) for failure to state a claim.

HOLDINGS

1. A single, brief, and non-severe instance of verbal sexual harassment, unaccompanied by physical contact or a threat of contact, does not state an Eighth Amendment claim.
2. The complaint must be summarily dismissed under 28 U.S.C. § 1915(e)(2) because it fails to state a claim upon which relief can be granted.

KEY QUOTATIONS

“The Sixth Circuit, however, has held that “isolated, brief, and not severe” instances of sexual harassment do not give rise to an Eighth Amendment violation.” (Section III)

“While the alleged comment was clearly inappropriate, unprofessional and could be perceived as sexually harassing, it was “isolated, brief, and not severe.”” (Section III)

“Under 28 U.S.C. § 1915(e)(2), the Court summarily dismisses the complaint for failure to state a claim.” (Section IV)

FACTUAL BACKGROUND

Alexander, a Michigan prisoner, went to the correctional-facility chow hall with a written medical accommodation allowing him to receive ice. After reviewing the accommodation, food supervisor Unknown McVean made a sexually suggestive remark in front of other inmates. Alexander alleged that the remark was humiliating, degrading, and intended to provoke a hostile environment or increase his risk of abuse, but he alleged no physical contact or threat of physical contact.

PROCEDURAL HISTORY

Alexander filed the civil-rights complaint and was granted permission to proceed in forma pauperis. After screening the complaint under 28 U.S.C. § 1915(e)(2), the district court concluded that the alleged isolated verbal sexual harassment did not state an Eighth Amendment violation and dismissed the action before service.

DISPOSITION

dismissed

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 325, 327-28 (1989)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Rafferty v. Trumbull County, Ohio, 915 F.3d 1087, 1095-96 (6th Cir. 2019)
- Miller v. Wertanen, 109 F. App'x 64, 65 (6th Cir. 2004)
- Johnson v. Ward, No. 99-1596, 2000 WL 659354, at *1 (6th Cir. May 15, 2000)
- Green v. Eddy, No. 1:24-cv-12086, 2025 WL 845176, at *2-3 (E.D. Mich. Mar. 18, 2025)
- Cox v. Ross, No. 2:24-cv-11506, 2024 WL 3071056, at *2 (E.D. Mich. June 20, 2024)
- Sims v. Jarvis, No. 2:23-cv-163, 2024 WL 3565043, at *4 (W.D. Mich. July 29, 2024)

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