

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, CHARLOTTE DIVISION

Brandon Michael Kisiah v. K. Martin, et al.

Kisiah · No. 3:26-cv-00140-FDW · Decided March 13, 2026

SUMMARY

In this memorandum of decision and order on initial review, the U.S. District Court for the Western District of North Carolina evaluates Brandon Michael Kisiah’s 42 U.S.C. § 1983 complaint concerning jail disciplinary proceedings, mail interference, access to courts, conditions of confinement, and equal protection. The court dismisses all claims and defendants except an individual-capacity First Amendment claim against K. Martin based on alleged interference with legal mail. The court also denies motions for appointment of counsel and photocopy assistance and directs issuance of a summons for Martin.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Charlotte Division
WRITING FOR THE COURT	Frank D. Whitney
JURISDICTION	United States District Court for the Western District of North Carolina, Charlotte Division
DECIDED	March 13, 2026
DOCKET	3:26-cv-00140-FDW
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se prisoner's in forma pauperis complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 1915(e)(2) and 1915A, the court must dismiss an in forma pauperis or prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court liberally construes a pro se complaint and accepts well-pleaded allegations as true for screening, but does not overlook a clear failure to allege facts supporting a cognizable federal claim.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum and order; persuasive only outside the case.

PARTIES

Brandon Michael Kisiah v. K. Martin, J. Dennis, Union County
Sheriff's Office/Jail, Eddie Cathy

TOPICS

section 1983 prisoners rights first amendment due process civil procedure

PRACTICE AREAS

Prisoner civil rights Section 1983 litigation Constitutional litigation Federal civil procedure

QUESTIONS PRESENTED

1. Whether the Union County Jail and Union County Sheriff's Office, and officials sued only in their official capacities, were proper § 1983 defendants absent allegations of a policy or custom causing a constitutional violation.
2. Whether claims challenging allegedly false disciplinary charges or disciplinary proceedings were cognizable under § 1983 when the disciplinary convictions had not been invalidated.
3. Whether the complaint adequately alleged a procedural or substantive due process violation arising from the disciplinary proceedings and conditions of confinement.
4. Whether the alleged interference with personal and legal mail stated a First Amendment claim sufficient to survive initial review.
5. Whether the alleged interference with mail stated an access-to-the-courts claim without an alleged actual injury.
6. Whether the allegation that inmates of another ethnicity received lesser punishment stated an equal-protection claim.
7. Whether Kisiah demonstrated exceptional circumstances warranting appointment of counsel and whether he was entitled to photocopy assistance.

HOLDINGS

1. A jail is not a person subject to suit under 42 U.S.C. § 1983; the claim against the Union County Jail was dismissed.
2. The official-capacity claim against Dennis was duplicative of the claim against the Sheriff's Office, and the Sheriff's Office claim failed because Kisiah did not allege that a policy or custom was the moving force behind a constitutional violation.
3. The claim based on allegedly false disciplinary charges appeared barred by Heck because Kisiah did not allege that the disciplinary convictions had been reversed, expunged, invalidated, or called into question by habeas relief.
4. The complaint failed to state a due process claim because it did not allege deprivation of the specific protections required by Wolff, and conclusory allegations that Kisiah was found guilty despite defensive arguments and received excessive punishment were insufficient.

5. The individual-capacity First Amendment claim against Martin based on alleged interference with Kisiah's mail, including legal mail, survived initial review as not clearly frivolous.
6. The access-to-the-courts claim was dismissed because Kisiah alleged no actual injury to a nonfrivolous legal claim.
7. The conditions-of-confinement claim was dismissed because the allegations that Kisiah experienced unsanitary, oppressive, harassing, and discriminatory conditions were vague and did not show punishment unrelated to a legitimate nonpunitive objective.
8. The equal-protection claim was dismissed because Kisiah alleged no specific, nonconclusory facts showing intentional discrimination or an improper discriminatory motive.
9. The motion for appointment of counsel was denied because Kisiah did not show exceptional circumstances, a colorable prospect of success, or inability to present the relatively uncomplicated claim.

KEY QUOTATIONS

“Nonetheless, isolated incidents of mail mishandling do not rise to the level of a constitutional violation.”
(Section III.E)

“In sum, the Complaint survives initial review under 28 U.S.C. § 1915A as to Plaintiff’s individual capacity First Amendment claim against Defendant Martin based on the alleged mail interference.” (Conclusion)

FACTUAL BACKGROUND

Kisiah, a pretrial detainee at the Union County Jail, alleged that he was removed from a merit-based housing program after being accused of communicating with another inmate, later convicted of a disciplinary violation, and sentenced to 120 days in segregation. He alleged that K. Martin imposed excessive or retaliatory discipline, interfered with his personal and legal mail, and subjected him to unsanitary, oppressive, harassing, and discriminatory conditions. He also alleged that inmates of a different ethnicity received lesser punishment, but he did not plead specific facts showing a discriminatory motive or an actual injury to a nonfrivolous legal claim.

PROCEDURAL HISTORY

Kisiah filed a 42 U.S.C. § 1983 complaint alleging disciplinary-process violations, mail interference, denial of court access, unconstitutional conditions, and equal-protection violations. On initial review, the court dismissed all claims and defendants except an individual-capacity First Amendment mail-interference claim against K. Martin, denied motions for appointment of counsel and photocopy assistance, and directed that a summons issue for Martin after Kisiah provides the necessary information.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The case may proceed only on Kisiah's individual-capacity First Amendment mail-interference claim against Martin. The Clerk was directed to send Kisiah a blank summons form; after Kisiah returns the completed summons and necessary information, the Clerk is to direct the U.S. Marshal to serve Martin.

CASES CITED

- Myles v. United States, 416 F.3d 551 (7th Cir. 2005)
- Neitzke v. Williams, 490 U.S. 319, 327-28 (1989)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Weller v. Department of Social Services, 901 F.2d 387 (4th Cir. 1990)
- American Manufacturers Mutual Insurance Co. v. Sullivan, 526 U.S. 40, 49-50 (1999)
- Health & Hospital Corp. of Marion County v. Talevski, 599 U.S. 166 (2023)
- Williamson v. Stirling, 912 F.3d 154, 171, 174-76, 178 (4th Cir. 2019)
- Vinnedge v. Gibbs, 550 F.2d 926, 928 (4th Cir. 1977)
- Brooks v. Pembroke Jail, 722 F. Supp. 1294, 1301 (E.D.N.C. 1989)
- Kentucky v. Graham, 473 U.S. 159, 165 (1985)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 690 n.55, 691, 694 (1978)
- Collins v. City of Harker Heights, 503 U.S. 115, 120-21 (1992)
- Moore v. City of Creedmoor, 345 N.C. 356, 366, 481 S.E.2d 14, 21 (1997)
- Heck v. Humphrey, 512 U.S. 477, 485-87 (1994)
- Edwards v. Balisok, 520 U.S. 641, 646-47 (1997)
- Moskos v. Hardee, 24 F.4th 289 (4th Cir. 2022)
- Wolff v. McDonnell, 418 U.S. 539, 556, 564-71, 575-77 (1974)
- Morrissey v. Brewer, 408 U.S. 471, 488 (1972)
- Baxter v. Palmigiano, 425 U.S. 308, 322-23 n.5 (1976)
- Brown v. Braxton, 373 F.3d 501, 505-06 (4th Cir. 2004)
- Superintendent, Massachusetts Correctional Institution v. Hill, 472 U.S. 445, 455 (1985)
- Simpson v. Welch, Simpson v. Welch, 900 F.2d 33, 35 (4th Cir. 1990)
- Dickson v. Microsoft Corp., 309 F.3d 193, 201-02 (4th Cir. 2002)
- Thornburgh v. Abbott, 490 U.S. 401, 408 (1989)
- Pell v. Procunier, 417 U.S. 817 (1974)
- Haze v. Harrison, 961 F.3d 654, 658, 660 (4th Cir. 2020)
- United States v. Castellanos, 716 F.3d 828, 832 (4th Cir. 2013)
- King v. Rubenstein, 825 F.3d 206, 215 (4th Cir. 2016)
- Altizer v. Deeds, 191 F.3d 540, 547-48 (4th Cir. 1999)
- Matherly v. Andrews, 859 F.3d 264, 281 (4th Cir. 2017)
- Buie v. Jones, 717 F.2d 925, 926 (4th Cir. 1983)
- Davis v. Goord, 320 F.3d 346, 351 (2d Cir. 2003)

- *Bounds v. Smith*, 430 U.S. 817 (1977)
- *Lewis v. Casey*, 518 U.S. 343, 349, 356-57 (1996)
- *Alvarez v. Hill*, 518 F.3d 1152, 1155 n.1 (9th Cir. 2008)
- *Tate v. Parks*, 791 F. App'x 387, 390 (4th Cir. 2019)
- *Bell v. Wolfish*, 441 U.S. 520, 535 (1979)
- *Morrison v. Garraghty*, 239 F.3d 648, 654 (4th Cir. 2001)
- *Williams v. Hansen*, 326 F.3d 569, 584 (4th Cir. 2003)
- *Trulock v. Freeh*, 275 F.3d 391, 405 (4th Cir. 2001)
- *Miller v. Simmons*, 814 F.2d 962, 966 (4th Cir. 1987)
- *Whisenant v. Yuam*, 739 F.2d 160, 162-63 (4th Cir. 1984)
- *Jenkins v. Woodard*, 109 F.4th 242, 247-48 (4th Cir. 2024)
- *Brock v. City of Richmond*, 983 F.2d 1055, 1055 (4th Cir. 1993) (per curiam)
- *United States v. MacCollom*, 426 U.S. 317, 321 (1976)
- *Perez v. Humphries*, No. 3:18-cv-107-GCM, 2018 WL 4705560, at *1 (W.D.N.C. Oct. 1, 2018)
- *Moore v. Gray*, No. 5:04-CT-918-FL, 2005 WL 3448047, at *1 (E.D.N.C. Jan. 26, 2005), *aff'd*, 133 F. App'x 913 (4th Cir. 2005)