

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Jeffrey Earl Johnson v. Unknown, Milwaukee County Jail Staff

Johnson v. Unknown · No. Case No. 25-cv-1888-pp · Decided January 21, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Jeffrey Earl Johnson leave to proceed without prepaying the filing fee and screens his complaint under 28 U.S.C. § 1915(e) (2). The court permits his Fourteenth Amendment excessive-force claim against unidentified Milwaukee County Jail staff to proceed and adds Milwaukee County Sheriff Denita R. Ball solely to help identify the unknown defendants. The order establishes discovery and filing procedures for identifying the defendants and warns that the case may be dismissed if the plaintiff does not diligently prosecute it.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Pamela Pepper
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 21, 2026
DOCKET	Case No. 25-cv-1888-pp
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a 42 U.S.C. § 1983 complaint concerning alleged excessive force at the Milwaukee County Jail and moved to proceed without prepaying the filing fee. The district court granted the fee motion, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), allowed the constitutional claim to proceed against presently unknown defendants, and added the Milwaukee County sheriff solely to facilitate identification of those defendants.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915(e)(2)(B), the court applied the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded factual allegations as true and asking whether the complaint stated a facially plausible claim.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

prisoners rights section 1983 due process civil procedure discovery dispute

PRACTICE AREAS

civil rights prisoner civil rights constitutional law federal civil procedure

QUESTIONS PRESENTED

1. Whether Johnson qualified to proceed without prepaying the filing fee.
2. Whether Johnson's allegations plausibly stated a constitutional excessive-force claim under 42 U.S.C. § 1983.
3. Whether the court could add the Milwaukee County sheriff for the limited purpose of facilitating discovery to identify unknown defendants.

HOLDINGS

1. Johnson could proceed without prepaying the filing fee because the information in his application showed that he lacked the ability to pay.
2. The complaint plausibly stated a Fourteenth Amendment excessive-force claim against the unidentified officers because Johnson alleged that officers assaulted him and used force that was objectively unreasonable.
3. The court could add Sheriff Ball as a defendant for the limited purpose of helping Johnson identify the names of the unknown defendants, without requiring Ball to respond to the merits of the complaint.

KEY QUOTATIONS

“To state a claim, a complaint must include “a short and plain statement of the claim showing that the pleader is entitled to relief.”” (Section II.A)

““[A] pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable.”” (Section II.C)

FACTUAL BACKGROUND

Johnson alleged that on December 28, 2023, while confined at the Milwaukee County Jail, a jail 'cert team' entered his housing pod, threw tables in his direction, and assaulted him by throwing him into a wall. He alleged injuries including back injuries, headaches, an arm abrasion, elevated blood pressure, and psychological stress, and asserted that the incident was recorded on video. He named unknown correctional officers and cert-team members because he did not know their identities.

PROCEDURAL HISTORY

Johnson filed the complaint and an application to proceed without prepaying the filing fee. The district court determined that he lacked the ability to pay and that his allegations plausibly stated an excessive-force claim under the Fourteenth Amendment. Because the defendants were unidentified, the court added Sheriff Denita R.

Ball for the limited purpose of receiving discovery intended to identify them and directed Johnson to move to substitute their names within sixty days after Ball's attorney files an appearance.

DISPOSITION

other

CASES CITED

- *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017)
- *Booker-El v. Superintendent, Ind. State Prison*, 668 F.3d 896, 899 (7th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *D.S. v. E. Porter County School Corp.*, 799 F.3d 793, 798 (7th Cir. 2015)
- *Buchanan-Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009)
- *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)
- *Hardeman v. Curran*, 933 F.3d 816, 822 (7th Cir. 2019)
- *Kingsley v. Hendrickson*, 576 U.S. 389, 396-97 (2015)
- *Donald v. Cook County Sheriff's Department*, 95 F.3d 548, 556 (7th Cir. 1996)