

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Zackery J. Askins v. Laura A. Proffit, et al.

Askins · No. 26-3048-JWL · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Kansas addresses Zackery J. Askins’s amended pro se complaint concerning alleged religious-rights violations, destruction of administrative and legal materials, denial of medical care, and retaliation at a military correctional facility. The court denies the motion for appointment of counsel without prejudice and identifies deficiencies in the requested sentence credit, legal theories, factual allegations, and joinder of claims. The court grants Plaintiff until May 22, 2026, to file a complete second amended complaint.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Kansas                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | John W. Lungstrum                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the District of Kansas                                                                                                                                                                                                                                                                    |
| DECIDED               | April 16, 2026                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 26-3048-JWL                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The court considered a pro se prisoner’s amended civil-rights complaint, motion for appointment of counsel, and previously deferred motions for discovery and injunctive relief during statutory screening.                                                                                                                |
| STANDARD OF REVIEW    | Because the plaintiff proceeded in forma pauperis and was a prisoner, the court applied the screening requirements of 28 U.S.C. §§ 1915A and 1915(e)(2), liberally construed the pro se pleading, accepted well-pleaded allegations as true, and required sufficient factual matter to state a plausible claim for relief. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum and order; persuasive value only                                                                                                                                                                                                                                                     |
| PARTIES               | Zackery J. Askins v. Laura A. Proffit, Stephen Hansen, et al.                                                                                                                                                                                                                                                              |

TOPICS

- civil procedure
- pleadings
- civil rights
- remedies
- joinder

## PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

military law

constitutional law

## QUESTIONS PRESENTED

1. Whether the plaintiff may obtain credit toward his sentence in this civil action.
2. Whether the motion for appointment of counsel should be granted at the pleading and screening stage.
3. Whether the amended complaint adequately identified the federal or constitutional rights underlying each count.
4. Whether Counts II and III alleged sufficient facts and complied with Federal Rule of Civil Procedure 8.
5. Whether the plaintiff's claims and defendants complied with the joinder requirements of Rules 18 and 20.

## HOLDINGS

1. A military prisoner may not obtain credit toward his sentence through this civil action; a federal habeas petition under 28 U.S.C. § 2241 is the appropriate vehicle for challenging execution of a federal sentence, including sentence credit.
2. Appointment of counsel is discretionary in a civil case, and the motion was properly denied without prejudice where the plaintiff had not yet shown a colorable claim, the issues were not yet shown to be complex, and he appeared capable of presenting his claims.
3. A pro se prisoner complaint must identify what each defendant did, when the defendant did it, how the conduct harmed the plaintiff, and the specific legal right allegedly violated; conclusory allegations without supporting factual averments do not state a plausible claim.
4. A plaintiff may join multiple claims against one defendant and may join additional defendants only when the claims arise from the same transaction, occurrence, or series of transactions and present a common question of law or fact; unrelated claims against different defendants must be brought in separate actions.

## KEY QUOTATIONS

*“to state a claim in federal court, a complaint must explain what each defendant did to [the pro se plaintiff]; when the defendant did it; how the defendant's action harmed (the plaintiff); and, what specific legal right the plaintiff believes the defendant violated.”* (Section IV.B)

*“It is not the role of the court to sort through a lengthy complaint to construct the plaintiff's case”* (Section IV.C)

*“Unrelated claims against different defendants belong in different suits.”* (Section IV.D)

## FACTUAL BACKGROUND

Askins, a military inmate at the Midwest Joint Regional Corrections Facility at Fort Leavenworth, alleged that personnel seized or destroyed religious items and texts, deleted or destroyed administrative remedies and other

documents, denied medical treatment, and retaliated against him by placing him in a restrictive housing unit. He named the facility's commander and deputy commander as defendants and sought sentence credit, legal costs, and replacement or reparation of religious items. The court found that the amended complaint did not adequately identify the legal basis, responsible individuals, dates, and factual circumstances for several counts.

## PROCEDURAL HISTORY

Askins filed the action, an in forma pauperis motion, a motion for appointment of counsel, a motion for preliminary injunction and temporary restraining order, and two discovery motions on March 9, 2026. The court granted in forma pauperis status, denied the discovery motions as premature, and directed an amended complaint. After reviewing the amended complaint, the court denied appointment of counsel without prejudice, deferred the injunction motions, found the request for sentence credit unavailable in the civil action, and granted leave to file a complete second amended complaint curing pleading and joinder deficiencies.

## DISPOSITION

other

## CASES CITED

- Carper v. Deland, 54 F.3d 613, 616 (10th Cir. 1995)
- Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir. 2006)
- Rachel v. Troutt, 820 F.3d 390, 396 (10th Cir. 2016)
- Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991)
- Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)
- Marrie v. Nickels, 70 F. Supp. 2d 1252, 1259-60 (D. Kan. 1999)
- Cook v. Curtis, 2026 WL 183482, at \*1 (D. Kan. Jan. 23, 2026)
- Valois v. Commandant, 2015 WL 5837658, at \*1 (D. Kan. Oct. 7, 2015)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 558 (2007)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Nasious v. Two Unknown B.I.C.E. Agents at Arapahoe County Justice Center, 492 F.3d 1158, 1162 n.3, 1163 (10th Cir. 2007)
- Chavez v. Huerfano County, 195 F. App'x 728, 729-30 (10th Cir. 2006)

- Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas, 891 F.2d 1473, 1480 (10th Cir. 1990)
- Perington Wholesale, Inc. v. Burger King Corp., 631 F.2d 1369, 1371 (10th Cir. 1980)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Zhu v. Countrywide Realty Co., Inc., 160 F. Supp. 2d 1210, 1225 (D. Kan. 2001)
- Gillon v. Federal Bureau of Prisons, 424 F. App'x 722, 725 (10th Cir. 2011)
- Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007)
- McNeil v. United States, 508 U.S. 106, 113 (1993)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-kansas-united-states-district-court-for-the-district/2026/zackery-j-askins-v-laura-a-proffit-et-al-w7l77a6c>