

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Joseph Anthony Szostak, III v. Rutherford County Adult Detention
Center, et al.

Szostak · No. 3:25-cv-01187 · Decided May 7, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee resolves eight motions in a pro se 42 U.S.C. § 1983 action concerning alleged interference with inmate legal mail at the Rutherford County Adult Detention Center. The court grants the plaintiff leave to file one operative amended complaint, denies or renders moot several other motions, denies disqualification of defense counsel, and denies appointment of counsel without prejudice. The order directs the plaintiff to file the superseding amendment within 14 days.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Luke A. Evans, United States Magistrate Judge
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	May 7, 2026
DOCKET	3:25-cv-01187
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 involving eight pending motions concerning amendment of the complaint, extensions of time, default, disqualification of defense counsel, appointment of counsel, and striking an amendment.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is evaluated under considerations including undue delay, lack of notice, bad faith, repeated failure to cure deficiencies, undue prejudice, and futility. Disqualification of counsel is an extraordinary remedy not to be used lightly. Appointment of counsel for an indigent civil litigant under 28 U.S.C. § 1915(e)(1) requires exceptional circumstances, assessed by considering the type of case, the litigant's ability to

	represent himself or herself, and the nature of the factual and legal issues.
PRECEDENTIAL VALUE	Unpublished memorandum order; precedential status unknown.
PARTIES	Joseph Anthony Szostak, III v. Rutherford County Adult Detention Center, et al.

TOPICS

motion to amend

civil procedure

prisoners rights

section 1983

first amendment

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to file a further amended complaint despite repeated prior amendments and noncompliance with the court's directive to file one operative pleading.
2. Whether plaintiff's objection to defense counsel's appearance should be construed as a motion to disqualify and granted.
3. Whether plaintiff had shown exceptional circumstances warranting appointment of counsel in this civil § 1983 action.
4. Whether plaintiff was entitled to entry of default against defendants.
5. Whether the defendants' requested extension of time and plaintiff's related motions should be granted, denied, or denied as moot.

HOLDINGS

1. Leave to amend was warranted because, under the specific circumstances, repeated failure to cure and alleged prejudice did not overcome the liberal treatment afforded to the pro se plaintiff, and one consolidated amended pleading would promote clarity and expedite resolution.
2. The granted amendment must be a single operative pleading that supersedes all previous complaints, amendments, motions to amend, and supplements; further serial amendments without leave and good cause will be denied.
3. The motion to disqualify defense counsel was denied because plaintiff failed to identify a legally cognizable conflict or explain how prospective testimony would create material prejudice, and any proposed deposition or trial testimony was premature.
4. Appointment of counsel was denied because plaintiff failed to demonstrate exceptional circumstances warranting counsel in this civil action.
5. The motion for entry of default and plaintiff's objection to defendants' requested extension were denied as moot, while defendants' motion for an extension was also denied as moot because the court resolved

the operative-pleading issue by granting leave to amend.

KEY QUOTATIONS

“Indeed, one operative, amended pleading would result in less resources expended and a quicker resolution because all other pleadings would be superseded.” (Analysis § 3.a)

“Disqualification, however, is not a remedy to be used lightly.” (Analysis § 3.b)

FACTUAL BACKGROUND

Plaintiff is an inmate at the Rutherford County Adult Detention Center and alleges that a change in the facility's legal-mail policy caused his attorney's letters to be opened, copied, scanned, or not delivered, leaving him without the original mail. He alleges that seven letters from his criminal defense attorney were not delivered, after which the attorney withdrew, allegedly affecting a bond-reduction hearing and delaying plaintiff's criminal trial. Plaintiff sought damages and injunctive relief and filed numerous amended complaints and related motions.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action on October 14, 2025, and filed multiple amended complaints, motions to amend, and supplements. The remaining defendants were Deputy Jennifer Parker and Deputy Bryan Layhew, in their individual and official capacities. The court granted plaintiff leave to file one operative amended complaint, denied or denied as moot most other pending motions, and directed the Clerk to mail plaintiff twenty copies of pleading forms.

DISPOSITION

other

CASES CITED

- Boswell v. Mayer, 169 F.3d 384, 387 (6th Cir.)
- Gaston v. Cuyahoga Community College Chapter, No. 1:23-cv-00850, 2024 WL 167092, at *8 (Jan. 16, 2024)
- Hopkins v. Chartrand, 566 F. App'x 445, 449 (6th Cir.)
- Security Insurance Co. of Hartford v. Tucker & Associates, Inc., 64 F.3d 1001, 1009 (6th Cir.)
- Phelps v. McClellan, 30 F.3d 658, 663 (6th Cir.)
- Vision Real Estate Investment Corp. v. Metropolitan Government of Nashville & Davidson County, No. 3:18-cv-0014, 2018 WL 10228378, at *3 (M.D. Tenn. Sept. 28, 2018)
- Nichols v. Village of Minerva, No. 5:14-cv-613, 2015 WL 845714, at *3 (N.D. Ohio Feb. 25, 2015)
- Taylor-Merideth v. Metropolitan Government of Nashville & Davidson County, No. 3:16-cv-00612, 2017 WL 1164583, at *1 (M.D. Tenn. Mar. 28, 2017)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)

- Wells v. Brown, 891 F.2d 591, 594 (6th Cir.)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir.)
- Manning v. Waring, Cox, James, Sklar & Allen, 849 F.2d 222, 224 (6th Cir.)
- Cavender v. U.S. Xpress Enterprises, Inc., 191 F. Supp. 2d 962, 965 (E.D. Tenn.)
- Boyle v. Evolve Bank & Trust, No. 16-02171, 2017 WL 11236962, at *9 (W.D. Tenn. Apr. 20, 2017)
- G.D. & R.D. obo G.D. v. Utica Community School, No. 20-12864, 2022 WL 2975821, at *2-*3 (E.D. Mich. July 27, 2022)
- Lavado v. Keohane, 992 F.2d 601, 604-607 (6th Cir.)
- Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir.)
- Hollis v. Perry, No. 3:17-cv-00626, 2018 WL 3572391, at *2 (M.D. Tenn. July 24, 2018)
- Willett v. Wells, 469 F. Supp. 748, 751 (E.D. Tenn.)
- Miles v. Michigan Department of Corrections, No. 19-2218, 2020 WL 6121438, at *4 (6th Cir. 2020)
- Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir.)
- Stewart v. United States, 2017 WL 939197, at * n.1 (W.D. Tenn. Mar. 7, 2017)
- Burford v. Brun, No. 3:20-CV-00549, 2020 WL 5893822, at *2 n.1 (M.D. Tenn. Oct. 5, 2020)