

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Tanika Shields v. Hamilton County, Ohio, et al.

Shields · No. 1:25-cv-966 · Decided January 16, 2026

SUMMARY

This Report and Recommendation addresses the screening of a pro se 42 U.S.C. § 1983 complaint filed in forma pauperis by the mother of a homicide victim. The magistrate judge recommends dismissal with prejudice because the Hamilton County Prosecutor’s Office is not a suable person, the individual prosecutors are inadequately pleaded and protected by prosecutorial immunity, and the complaint does not plausibly allege municipal liability against Hamilton County.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Stephanie K. Bowman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 16, 2026
DOCKET	1:25-cv-966
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a 42 U.S.C. § 1983 civil-rights complaint and proceeded in forma pauperis. The magistrate judge conducted sua sponte screening under 28 U.S.C. § 1915(e)(2)(B) and issued a Report and Recommendation recommending dismissal with prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis action that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Failure-to-state-a-claim review applies the Rule 12(b)(6) plausibility standard, accepting well-pleaded factual allegations as true but disregarding legal conclusions, fantastic allegations, and conclusory assertions. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Tanika Shields v. Hamilton County, Ohio, Hamilton County
Prosecutor's Office, Brian Goodyear, Mark Piepmeier, Rick Gibson

TOPICS

section 1983 motions to dismiss civil rights municipal liability due process

PRACTICE AREAS

civil rights constitutional law civil procedure municipal liability criminal procedure

QUESTIONS PRESENTED

1. Whether the Hamilton County Prosecutor's Office is a person or suable entity under 42 U.S.C. § 1983.
2. Whether the complaint stated a § 1983 claim against the individual prosecutors based on alleged retaliation and exclusion from criminal proceedings.
3. Whether the individual prosecutors were entitled to absolute prosecutorial immunity for conduct associated with the judicial phase of criminal prosecutions.
4. Whether the complaint stated a municipal-liability claim against Hamilton County by identifying an unconstitutional policy or custom and alleging a causal connection to Shields's injuries.
5. Whether the action should be dismissed with prejudice at the in forma pauperis screening stage.

HOLDINGS

1. The Hamilton County Prosecutor's Office is not a person subject to liability under § 1983 and is not a legal entity capable of being sued.
2. The complaint failed to state a claim against the supervising and senior prosecutors because it alleged no specific wrongdoing by them, and § 1983 does not impose respondeat superior liability on supervisors.
3. The individual prosecutors were entitled to absolute prosecutorial immunity because the alleged failure to notify Shields of plea hearings and exclusion of her from the prosecutions were conduct intimately associated with the judicial phase of the criminal process.
4. The alleged failure to inform Shields of a guilty-plea hearing did not violate due process or create a § 1983 claim.
5. The complaint failed to state a § 1983 claim against Hamilton County because it offered only conclusory allegations of policies or customs and did not identify a policy, connect it to the County, or show that it caused the alleged injury.

KEY QUOTATIONS

“A complaint may be dismissed as frivolous when the plaintiff cannot make any claim with a rational or arguable basis in fact or law.” (at 1)

“Prosecutors are entitled to absolute immunity for conduct ‘intimately associated with the judicial phase of the criminal process.’” (at 3)

“The ‘official policy’ requirement [of Monell] was intended to distinguish acts of the municipality from acts of employees of the municipality, and thereby make clear that municipal liability is limited to action for which the municipality is actually responsible.” (at 6)

FACTUAL BACKGROUND

Tanika Shields, the mother of homicide victim Darnay Allmond, alleged that two individuals were arrested and charged with Allmond's murder and that Assistant Prosecutor Brian Goodyear handled both prosecutions. She claimed that after she questioned prosecutorial decisions, plea negotiations, and evidence handling, prosecutors became dismissive and hostile and limited or discontinued communications with her. She alleged that she was not notified of a plea hearing in one prosecution and was not given an opportunity to attend or be heard, and she sought declaratory, injunctive, and monetary relief.

PROCEDURAL HISTORY

Shields filed a complaint alleging that Hamilton County, county prosecutors, and the county prosecutor's office violated her rights by retaliating against her and failing to notify or permit her participation in criminal proceedings involving the homicide of her son. The court granted leave to proceed in forma pauperis and screened the complaint. The Report and Recommendation concluded that the prosecutor's office was not a suable person, the individual prosecutors were inadequately pleaded and immune, and the allegations did not establish municipal liability against Hamilton County.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25, 31-32 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324, 327-29 (1989)
- Lawler v. Marshall, 898 F.2d 1196, 1198-99 (6th Cir. 1990)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 93-94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57, 570 (2007)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Hohenberg v. Shelby Cnty., Tenn., Hohenberg v. Shelby Cnty., Tenn., 68 F.4th 336 (6th Cir. 2023)
- Nalls v. Montgomery Cnty. Prosecutor's Off., No. 3:22-cv-243, 2023 WL 369955, at *5 (S.D. Ohio Jan. 24, 2023)
- Howard v. Hamilton Cnty. Just. Ctr., No. 1:19-cv-926, 2019 WL 6686863, at *2 (S.D. Ohio Nov. 13, 2019)
- Wingo v. Tennessee Department of Corrections, 499 F. App'x 453, 455 (6th Cir. 2012)

- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Manetta v. Macomb County Enforcement Team, 141 F.3d 270, 274 (6th Cir. 1998)
- Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976)
- Jones v. Shankland, 800 F.2d 77, 80 (6th Cir. 1986)
- Lomaz v. Hennosy, 151 F.3d 493, 498 n.7 (6th Cir. 1998)
- Pusey v. City of Youngstown, 11 F.3d 652, 656-59 (6th Cir. 1993)
- Cox v. Nord, Case No. 1:23-cv-324, 2023 WL 6276198, at *5 (S.D. Ohio Sept. 26, 2023)
- Matthews v. Jones, 35 F.3d 1046, 1049 (6th Cir. 1994)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 691, 694 (1978)
- Doe v. Claiborne County, 103 F.3d 495, 507 (6th Cir. 1996)
- Pembaur v. City of Cincinnati, 475 U.S. 469, 479 (1986)
- Deaton v. Montgomery County, Ohio, 989 F.2d 885, 889 (6th Cir. 1993)
- Garner v. Memphis Police Department, 8 F.3d 358, 363-64 (6th Cir. 1993)
- Coogan v. City of Wixom, 820 F.2d 170, 176 (6th Cir. 1987)
- Frantz v. Village of Bradford, 245 F.3d 869 (6th Cir. 2001)
- Burgess v. Fischer, 735 F.3d 462, 478-79 (6th Cir. 2013)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)