

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Willie B. Wilson v. Scott County Jail, Officer Blake, and Officer
Girlfriend

No. 2:26-CV-27 (E.D. Tenn. Feb. 12, 2026) · No. 2:26-CV-27 · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee grants Willie B. Wilson leave to proceed in forma pauperis and assesses the statutory filing fee. The court dismisses his 42 U.S.C. § 1983 complaint under the Prison Litigation Reform Act, holding that alleged verbal harassment and minor threats did not state a constitutional violation, the retaliation claim was not plausible, Officer Blake was not alleged to have violated Wilson’s rights, and the Scott County Jail was not a suable entity. The court also certifies that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Curtis L. Collier
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	February 12, 2026
DOCKET	2:26-CV-27
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner proceeding pro se filed a 42 U.S.C. § 1983 complaint and sought leave to proceed in forma pauperis. The district court conducted screening under the Prison Litigation Reform Act and dismissed the action for failure to state a claim.
STANDARD OF REVIEW	On screening under the PLRA, the court applies the Rule 12(b)(6) plausibility standard and accepts well-pleaded factual allegations as true while disregarding conclusory allegations. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; precedential status unknown

TOPICS

section 1983

prisoners rights

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether the alleged verbal threat and harassment constituted a constitutional violation under 42 U.S.C. § 1983.
2. Whether the complaint plausibly alleged a First Amendment retaliation claim based on Wilson's submission of a sick-call form.
3. Whether the complaint stated a § 1983 claim against Officer Blake based solely on his alleged presence.
4. Whether the Scott County Jail is an entity subject to suit under § 1983.
5. Whether the complaint alleged the policy-or-custom causation required for municipal liability against Scott County.

HOLDINGS

1. The alleged statement that Wilson would be whipped and placed in “droom eko” if he was not sick constituted harassment and a minor threat, not a credible threat of violence rising to the level of a constitutional violation.
2. The complaint failed to state a plausible retaliation claim because the alleged statement was motivated by the officer's belief that Wilson was falsely claiming to be sick, not by Wilson's protected conduct.
3. The complaint failed to state a claim against Officer Blake because it alleged no facts showing that he violated Wilson's constitutional rights.
4. The Scott County Jail was not an entity subject to suit under § 1983.

KEY QUOTATIONS

“Even liberally construing the complaint in favor of Plaintiff, it fails to state a claim upon which relief may be granted under § 1983.”

“An inmate has no right to be free from verbal abuse, and minor threats do not rise to the level of a constitutional violation”

FACTUAL BACKGROUND

While incarcerated at the Scott County Jail, Wilson alleged that Officer Girlfriend stated he would be whipped and placed in “droom eko” if he was not sick while completing a sick-call form. Officer Blake allegedly was present, but the complaint identified no constitutional violation by him. Wilson also sued the Scott County Jail, but alleged no policy or custom causing a constitutional deprivation.

PROCEDURAL HISTORY

Wilson filed a pro se complaint concerning an alleged threat by an officer while Wilson was completing a sick-call form at the Scott County Jail. The court granted leave to proceed in forma pauperis, assessed the statutory filing fee, screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, and dismissed the action against all defendants. The court also certified that any appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Benson v. O'Brian, 179 F.3d 1014, 1016 (6th Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hill v. Lappin, 630 F.3d 468, 470–71 (6th Cir. 2011)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Small v. Brock, 963 F.3d 539, 541 (6th Cir. 2020)
- Johnson v. Dellatifa, 357 F.3d 539, 546 (6th Cir. 2004)
- Carney v. Craven, 40 F. App'x 48, 50 (6th Cir. 2002)
- Thaddeus-X v. Blatter, 175 F.3d 378, 394 (6th Cir. 1999)
- Smith v. Campbell, 250 F.3d 1032, 1037 (6th Cir. 2001)
- Ward v. Dyke, 58 F.3d 271, 274 (6th Cir. 1995)
- Cage v. Kent County Corr. Facility, No. 96-1167, 1997 WL 225647, at *1 (6th Cir. May 1, 1997)
- Monell v. Department of Social Services, 436 U.S. 658, 691 (1978)

OPINION

Wilson

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

AT GREENEVILLE

WILLIE B. WILSON,)

) Plaintiff,)) v.) No. 2:26-CV-27) SCOTT COUNTY JAIL, OFFICER) Judge Curtis L. Collier
BLAKE, and OFFICER GIRLFRIEND,) Magistrate Judge Cynthia R. Wyrick) Defendants.)

MEMORANDUM & ORDER

Plaintiff, a prisoner currently confined in the Claiborne County Jail who was previously incarcerated in the Scott County Jail, filed a pro se complaint for violation of 42 U.S.C. § 1983 asserting that when he was filling out a sick call form during his Scott County Jail confinement, Defendant “Officer [G]irlfriend” stated Plaintiff would be “whip[p]ed” and placed in “droom eko” if he was not sick (Doc. 2 at 3–4), a motion for leave to proceed in forma pauperis (Doc. 1), and a

motion for case review (Doc. 3). Plaintiff's motion for case review (Doc. 3) is GRANTED only to the extent that the Court enters the instant memorandum and order. Also, for the reasons set forth below, Plaintiff's motion for leave to proceed in forma pauperis (Doc. 1) will be GRANTED, and this action will be DISMISSED because the complaint fails to state a claim upon which relief may be granted under § 1983 as to any Defendant.

I. FILING FEE

As Plaintiff cannot pay the filing fee in a lump sum, his motion for leave to proceed in forma pauperis (Id.) is GRANTED. Plaintiff is ASSESSED the civil filing fee of \$350.00. The custodian of Plaintiff's inmate trust account is DIRECTED to submit to the Clerk, U.S. District Court, 220 West Depot Street, Greeneville, Tennessee 37743, as an initial partial payment, whichever is the greater of: (a) twenty percent (20%) of the average monthly deposits to his inmate trust account; or (b) twenty percent (20%) of the average monthly balance in his inmate trust account for the six-month period before the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A) and (B). Thereafter, the custodian of Plaintiff's inmate trust account shall submit twenty percent (20%) of Plaintiff's preceding monthly income (or income credited to Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk. 28 U.S.C. § 1915(b)(2). To ensure compliance with this procedure, the Clerk is DIRECTED to provide a copy of this memorandum and order to the custodian of inmate accounts at the institution where Plaintiff is now confined and the Court's financial deputy. This order shall be placed in Plaintiff's prison file and follow him if he is transferred to another correctional institution.

II. COMPLAINT SCREENING

A. Standard Under the Prison Litigation Reform Act ("PLRA"), district courts must screen prisoner complaints and shall, at any time, sua sponte dismiss any claims that are frivolous or malicious, fail to state a claim for relief, or are against a defendant who is immune. See, e.g., 28 U.S.C. §§ 1915(e)(2)(B) and 1915(A); *Benson v. O'Brian*, 179 F.3d 1014, 1016 (6th Cir. 1999). The dismissal standard that the Supreme Court set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) "governs dismissals for failure to state a claim under [28 U.S.C. §§ 1915(e)(2)(B) and 1915A] because the relevant statutory language tracks the language in Rule 12(b)(6)." *Hill v. Lappin*, 630 F.3d 468, 470–71 (6th Cir. 2010). Thus, to survive an initial review under the PLRA, a complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). Formulaic and conclusory recitations of the elements of a claim are insufficient to state a plausible claim for relief. *Id.* at 681. Likewise, an allegation that does not raise a plaintiff's right to relief "above the speculative level" fails to state a plausible claim. *Twombly*, 550 U.S. at 555. However, courts liberally construe pro se pleadings and hold them to a less stringent standard than lawyer-drafted pleadings. *Haines v. Kerner*, 404 U.S. 519,

520 (1972). A claim for violation of 42 U.S.C. § 1983 requires a plaintiff to establish that a person acting under color of state law deprived him a federal right. 42 U.S.C. § 1983. B. Analysis First, as set forth above, Plaintiff's only substantive allegation in his complaint is that, while he was filling out a sick call form, Defendant "Officer [G]irlfriend" stated Plaintiff would be "whip[p]ed" and placed in "droom eko" if he was not sick. (Doc. 2 at 3–4). But nothing in the complaint allows the Court to plausibly infer that this statement amounted to a credible threat of violence, such that it rose to the level of a constitutional violation. *Small v. Brock*, 963 F.3d 539, 541 (2020) (providing that "a threatened loss of life, when made credible by the aggressive brandishing of a deadly weapon, is beyond the type of 'unpleasant experience' that prisoners must endure"). To the contrary, it is apparent that this statement contained only harassment and minor threats, which do not rise to the level of a constitutional violation. *Johnson v. Dellatifa*, 357 F.3d 539, 546 (6th Cir. 2004) (providing that harassment and verbal abuse do not constitute the type of infliction of pain that the constitution prohibits); *Carney v. Craven*, 40 F. App'x 48, 50 (6th Cir. 2002) ("An inmate has no right to be free from verbal abuse, and minor threats do not rise to the level of a constitutional violation" (internal citations omitted)). Moreover, even if the Court liberally construes the complaint to assert that the alleged comment from Defendant "Officer Girlfriend" amounted to retaliation in violation of § 1983, the Court cannot plausibly infer that this is the case. Specifically, a § 1983 retaliation claim requires Plaintiff to plausibly allege three elements: (1) he engaged in protected conduct; (2) the defendant took an adverse action against him "that would deter a person of ordinary firmness from continuing to engage in that conduct"; and (3) there is a causal connection between the other two elements; that is, the adverse action was at least partially motivated because of the protected conduct. *Thaddeus-X v. Blatter*, 175 F.3d 378, 394 (6th Cir. 1999). In this case, it is apparent from Plaintiff's complaint that the relevant statement from Defendant "Officer Girlfriend" was not motivated by Plaintiff filing a sick call form, which would be protected conduct, but rather by speculation and/or belief that Plaintiff was filling out the sick call form without being sick, which would not be protected conduct. *Smith v. Campbell*, 250 F.3d 1032, 1037 (6th Cir. 2001) (providing that "while a prisoner may have a right to file grievances against prison officials, he or she cannot exercise that right in a manner that violates legitimate prison regulations or penological objectives" (citing *Ward v. Dyke*, 58 F.3d 271, 274 (6th Cir.1995) ("The ability to transfer a prisoner who is interfering with prison administration and staff morale goes to the essence of prison management."))). Thus, the complaint fails to allege a plausible retaliation claim. Additionally, while Plaintiff also sued Defendant Officer Blake, who appears to have been present at the time Defendant "Officer Girlfriend" made the relevant statement to Plaintiff, nothing in the complaint suggests that Defendant Officer Blake violated Plaintiff's constitutional rights in any way. Plaintiff has also sued the Scott County Jail (Doc. 1 at 2). However, this is not an entity subject to suit under § 1983. *Cage v. Kent County Corr. Facility*, No. 96-1167, 1997 WL 225647 (table), at *1 (6th Cir. May 1, 1997) (stating that "[t]he district court also properly found that the jail facility named as a defendant was not an entity subject to

suit under § 1983”). Further, even if the Court could liberally construe Plaintiff’s complaint as against Scott County, which is the municipality that runs the Scott County Jail and is an entity subject to suit, Plaintiff has not set forth any facts from which the Court can liberally construe that any custom or policy of Scott County caused a violation of his constitutional rights, as required for this municipality to be liable under § 1983. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978) (holding that a municipality may be liable under § 1983 for an alleged constitutional deprivation only if there is a direct causal link between a policy or custom of the entity and the alleged constitutional violation). Accordingly, the complaint fails to state a claim upon which relief may be granted under § 1983 against any named Defendant, and it will not proceed against Scott County.

III. CONCLUSION

For the reasons set forth above:

1. Plaintiff’s motion for case review (Doc. 3) is GRANTED only to the extent that the Court enters the instant memorandum and order;
2. Plaintiff’s motion for leave to proceed in forma pauperis (Doc. 1) is GRANTED;
3. Plaintiff is ASSESSED the civil filing fee of \$350.00;
4. The custodian of Plaintiff’s inmate trust account is DIRECTED to submit the filing fee to the Clerk in the manner set forth above;
5. The Clerk is DIRECTED to provide a copy of this memorandum and order to the custodian of inmate accounts at the institution where Plaintiff is now confined and the Court’s financial deputy;
6. Even liberally construing the complaint in favor of Plaintiff, it fails to state a claim upon which relief may be granted under § 1983;
7. Accordingly, this action will be DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A; and
8. The Court CERTIFIES that any appeal from this action would not be taken in good faith and would be totally frivolous. See Rule 24 of the Federal Rules of Appellate Procedure. SO ORDERED. ENTER: /s/

CURTIS L. COLLIER

UNITED STATES DISTRICT JUDGE