

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - KENTUCKY

Derksen v. Causey

United States District Court, W.D. Kentucky, at Bowling Green - April 2, 2014 - 2014 WL 1330193

William M. Derksen, a prisoner, brought an action against Melissa Causey, Chief Deputy, Warren County Regional Jail in both her individual and official capacities.

“Plaintiff represents that on or about November 16, 2013, Defendant housed him in a ‘one men cell segregation due to [his] sexual orientation.’ Plaintiff states that he informed Defendant that his ‘Constitutional Rights [had] been violated due to discrimination.’ In response, according to Plaintiff, Defendant stated, ‘I HATE FAGGOTS I HOPE YALL ROT IN HELL I HAVE SOMETHING FOR YOUR A* *.’ Plaintiff states that 30 minutes later, Defendant opened his cell door, stated ‘Good Lucky,’ and housed a registered sex offender in the cell with him. According to Plaintiff, soon after Defendant secured the cell door, Plaintiff’s new cellmate covered Plaintiff’s mouth with a pillowcase to keep him ‘from getting unwanted attention’ and proceeded to sexually assault Plaintiff.

The court held that, as nothing in the complaint demonstrated any purported wrongdoing occurring as a result of a policy or custom implemented or endorsed by Warren County, the complaint failed to establish a basis of liability against the municipality, thus it failed to state a cognizable [§ 1983](#) official-capacity claim.

However, the court did allow the failure-to-protect claim against Ms. Causey in her individual capacity to proceed.