

Bond Case Briefs

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LIABILITY - KENTUCKY

Jessie v. Dixon

United States District Court, W.D. Kentucky, at Bowling Green - March 31, 2014 - 2014 WL 1320002

Plaintiff was a convicted prisoner incarcerated at the Hart County Detention Center (HCDC). He sued HCDC Officers Shelby Dixon and James Gossett in their individual and official capacities. Plaintiff alleged that on several occasions Defendants Dixon and Gossett had threatened him with mace and taser guns if he did not stop asking to go to church. He also alleged that he had been denied the right to go to church or have a Bible, although other prisoners are allowed. He stated that Defendant Dixon had called him a “honky and cracker and spit into my food.”

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 Hart 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 First Amendment retaliation and free-exercise claims and the Eighth Amendment safety/protection claims were allowed to proceed against Defendants Dixon and Gossett in their individual capacities for damages and injunctive relief.