

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TAURENCE TARELL DOTSON,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 5:25-cv-115-TES-AGH
	:	
Sheriff DAVID DAVIS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER AND RECOMMENDATION

Plaintiff Taurence Tarell Dotson, a detainee in the Bibb County Law Enforcement Center in Macon, Georgia, filed a 42 U.S.C. § 1983 complaint (ECF No. 1). Plaintiff was granted leave to proceed *in forma pauperis* (“IFP”) and ordered to pay an initial partial filing fee of \$14.86 (ECF No. 11), which he has now paid. Plaintiff’s complaint is ripe for preliminary review. Plaintiff is **ORDERED** to recast his complaint if he wants to proceed with this action.

PRELIMINARY REVIEW OF PLAINTIFF’S COMPLAINT

I. Standard of Review

The Prison Litigation Reform Act (“PLRA”) directs courts to conduct a preliminary screening of every complaint filed by a prisoner who seeks redress from a government entity, official, or employee. 28 U.S.C. § 1915A(a). Courts must also screen complaints filed by a plaintiff proceeding IFP. 28 U.S.C. § 1915(e). Both statutes apply in this case, and the standard of review is the same. “*Pro se* filings are generally held to a less stringent standard than those drafted by attorneys and

are liberally construed.” *Carmichael v. United States*, 966 F.3d 1250, 1258 (11th Cir. 2020) (citation omitted). Still, the Court must dismiss a prisoner complaint if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b); see also 28 U.S.C. § 1915(e).

A claim is frivolous if it “lacks an arguable basis either in law or in fact.” *Miller v. Donald*, 541 F.3d 1091, 1100 (11th Cir. 2008) (citations omitted). On preliminary review, the Court may dismiss claims that are based on “indisputably meritless legal” theories and “claims whose factual contentions are clearly baseless.” *Id.* (citations omitted). A claim can be dismissed as malicious if it is knowingly duplicative or otherwise amounts to an abuse of the judicial process. *Daker v. Ward*, 999 F.3d 1300, 1308, 1310 (11th Cir. 2021) (affirming dismissal of duplicative complaint “in light of [prisoner’s] history as a prolific serial filer”).

A complaint fails to state a claim if it does not include “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “Factual allegations [in a complaint] must be enough to raise a right to relief above the speculative level[.]” *Twombly*, 550 U.S. at 555 (citations omitted). In other words, the complaint must allege enough facts “to raise a reasonable expectation that discovery will reveal evidence” supporting a claim. *Id.* at 556. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550

U.S. at 555).

To state a claim for relief under § 1983, a plaintiff must allege that (1) an act or omission deprived him of a right, privilege, or immunity secured by the Constitution or a statute of the United States; and (2) the act or omission was committed by a person acting under color of state law. *Hale v. Tallapoosa Cnty.*, 50 F.3d 1579, 1582 (11th Cir. 1995). If a litigant cannot satisfy these requirements or fails to provide factual allegations in support of his claim or claims, the complaint is subject to dismissal. *See, e.g., Bingham v. Thomas*, 654 F.3d 1171, 1176-77 (11th Cir. 2011) (affirming dismissal of certain claims at preliminary screening because prisoner failed to allege sufficient facts to show a violation of his rights), *abrogated on other grounds by Wade v. McDade*, 106 F.4th 1251, 1255 (11th Cir. 2024) (en banc).

II. Factual Allegations

Plaintiff asserts that between June and August 2024, he submitted sick call requests and grievances because he was suffering from tooth pain and sleep apnea. Compl. 2, ECF No. 1. Nurse Jordan gave Plaintiff Tylenol, and Nurse Tiffany Hollway gave Plaintiff an injection for his tooth pain, but nothing was done to treat Plaintiff's sleep apnea. *Id.* At some point, Dr. Williams saw Plaintiff and informed him that he would need oral surgery following his eventual release from custody; however, there was nothing Dr. Williams could do for Plaintiff. *Id.* After Plaintiff's family complained to Sheriff David Davis and Colonel Peterson, the jail agreed to pay for Plaintiff's oral surgery, but again, nothing was done about his sleep apnea. *Id.*

On August 6, 2024, Lieutenant Smith took Plaintiff to receive medical treatment for chest pain and shortness of breath. *Id.* Officer Haynes met Plaintiff at the door, telling him that his condition was not an emergency and that she had three hundred other inmates who needed to be seen that day. *Id.* Plaintiff waited fifteen minutes before being seen by Nurse Coleman, who acted aggressively toward Plaintiff. *Id.* Supervisor Jeannie Vaughan held Nurse Coleman back while Nurse Coleman yelled an obscenity at Plaintiff expressing that she did not care about his sleep apnea. *Id.* Nurse Coleman then spit in Plaintiff's face. *Id.* Lieutenant Smith, Officer Haynes, and Officer Jordan stood by without intervening while Nurse Coleman yelled at and spit on Plaintiff. *Id.*

When he returned to his cell, Plaintiff immediately submitted a grievance about Nurse Coleman. *Id.* at 3. Plaintiff was told he would have to speak to Lieutenant Pendleton, who was in charge of the investigation department. *Id.* Lieutenant Pendleton told Plaintiff that he would look into the situation, but Plaintiff waited a month without receiving an update. *Id.* At that point, Plaintiff and his family spoke to Colonel Peterson. *Id.* That same day, Lieutenant Pendleton started an investigation. *Id.*

As part of the investigation, Lieutenant Pendleton spoke to Plaintiff and his cellmate, who had seen the events in the medical facilities. *Id.* Lieutenant Pendleton then told Plaintiff in private that nothing would come of his case. *Id.* When Plaintiff asked why not, Pendleton said, "I'm not looking crazy in front of them white folks for nobody." *Id.* After that, nothing was done regarding Nurse

Coleman. *Id.*

On December 18, 2024, Dr. Karston put Plaintiff on blood pressure medication. *Id.* Plaintiff asked Dr. Karston if he would send Plaintiff for a sleep study to verify Plaintiff's sleep apnea, but Dr. Karston refused. *Id.* Plaintiff filed this suit naming as defendants Lieutenant Pendleton, Lieutenant Smith, Officer Haynes, Officer Jordan, Supervisory Nurse Jeannie Vaughan, Supervisory Nurse Tiffany Holloway, Nurse Coleman, and Dr. Karston. Compl. 19-21, ECF No. 1-4.

III. Plaintiff's Claims

A. Excessive Force

Plaintiff asserts that Nurse Coleman violated his rights by yelling at him and spitting on him when he tried to get help for his sleep apnea. *Id.* at 19. Reading Plaintiff's allegations broadly, it appears that he may be attempting to raise a claim against Nurse Coleman for excessive force. Because Plaintiff is a pretrial detainee, his claims are governed by the Fourteenth Amendment due process clause. *See Cottrell v. Caldwell*, 85 F.3d 1480, 1490 (11th Cir. 1996).

A pretrial detainee asserting an excessive force claim must allege facts showing that the force was used deliberately and that the force was objectively unreasonable under the particular facts of the case. *Kingsley v. Hendrickson*, 576 U.S. 389, 396-97 (2015). Under this standard, a plaintiff is not required to show the defendant's state of mind or subjective awareness that the force was unreasonable. *Id.* The objective reasonableness of the applied force depends on the circumstances of each particular case, and the analysis includes considerations

such as the amount of force used in relation to the need for force, the extent of any injury to the plaintiff, any effort by the officer to temper the amount of force used, the severity of the security problem leading to the use of force, any threat the officer reasonably perceived, and whether the plaintiff actively resisted the use of force. *Id.* at 397.

Accepting Plaintiff's allegations as true, he was attempting to get medical care for a condition, and Nurse Coleman became agitated, yelled at him, and spit on him. Under these circumstances, it does not appear that there was any need for Nurse Coleman to use force against Plaintiff. Nevertheless, it also does not appear that the amount of force Nurse Coleman used rose to the level of a Constitutional violation.

The Eleventh Circuit explained that, “[i]n the Fourteenth Amendment context . . . ‘[t]here is, of course, a *de minimis* level of imposition with which the Constitution is not concerned.’” *Crocker v. Beatty*, 995 F.3d 1232, 1251 (11th Cir. 2021) (quoting *Bell v. Wolfish*, 441 U.S. 520, 539 n.21 (1979)). As relevant here, the Eleventh Circuit has concluded that verbal abuse and threats made by prison officers are insufficient on their own to state a claim for a constitutional violation. *See Hernandez v. Fla. Dep’t of Corrs.*, 281 F. App’x 862, 866 (11th Cir. 2008) (per curiam). Moreover, other courts have found that spitting on an inmate is not a sufficient use of force to establish a constitutional claim for relief.¹ *See, e.g.,*

¹ The cases relating to verbal abuse and to spitting were brought in the context of Eighth Amendment claims. Although the Fourteenth Amendment standard is different from the Eighth Amendment standard in that it requires only that the use of force be objectively unreasonable, whereas the Eighth Amendment standard includes a subjective element, these cases are relevant to the question of

DeMallory v. Cullen, 855 F.2d 442, 444 (7th Cir. 1988); *Hilton v. Sec’y Dep’t of Corrs.*, 170 F. App’x 600, 604 (11th Cir. 2005); *Zavala v. Barnik*, 545 F. Supp. 2d 1051, 1059 (C.D. Cal. 2008); *Watson v. Dunn*, 2016 WL 1170752, at *2 (W.D. La. Jan. 12, 2016); *Edwards v. Bayside State Prison*, 2014 WL 6991463, at *6 (D.N.J. Dec. 10, 2014). Thus, although the Court does not condone Nurse Coleman’s actions, those actions do not provide a basis for Plaintiff’s constitutional claim.

B. Failure to Intervene and Failure to Investigate

Plaintiff asserts that Lieutenant Smith, Officer Haynes, and Officer Jordan failed to protect him from Nurse Coleman’s actions. Compl. 19-20, ECF No. 1-4. He also contends that Lieutenant Pendleton, Health Services Administrator Jeannie Vaughan, and Nurse Tiffany Holloway failed to investigate and punish Nurse Coleman after she spit on and yelled at Plaintiff. *Id.* at 19. And he asserts that Officer Haynes and Officer Jordan failed to report Nurse Coleman to their supervisors. *Id.* at 20.

Since Plaintiff fails to state a claim for excessive force, his claims against these other defendants based on their failure to intervene or to follow up on Nurse Coleman’s behavior likewise does not state a claim for relief. Even if Plaintiff had alleged excessive force by Nurse Coleman, he does not have a constitutional right to have a situation investigated or another individual punished. *See Vinyard v. Wilson*, 311 F.3d 1340, 1355-56 (11th Cir. 2002) (holding that a plaintiff did not have a due process claim based on an alleged failure to investigate an incident of excessive

whether the use of force itself rose to the level of a constitutional violation.

force); *see also Jacoby v. PREA Coordinator*, 2017 WL 2962858, at *4 (M.D. Ala. Apr. 4, 2017) (holding that a plaintiff had failed to state a constitutional claim because “[t]he failure to investigate the plaintiff’s claims in a manner satisfactory to the plaintiff is not a constitutional violation,” and collecting cases in support of that conclusion). Thus, Plaintiff’s allegations that several of the defendants failed to report the incident to supervisors or to investigate the situation do not state a claim for relief.

Moreover, Plaintiff alleges that the HSA Jeannie Vaughan acted to prevent Nurse Coleman from harming him. Specifically, he states that Defendant Vaughan held Nurse Coleman back to prevent her from hurting Plaintiff. It is unclear what other acts Plaintiff believes these defendants should have taken to restrain Nurse Coleman. Moreover, Plaintiff does not allege facts showing that any of the defendants knew that Nurse Coleman would spit on Plaintiff or were in a position to stop her from doing so. Thus, Plaintiff fails to state a claim based on his allegations that certain defendants failed to protect him from Nurse Coleman’s actions.

C. Deliberate Indifference to Serious Medical Need

Plaintiff alleges that Nurse Tiffany Holloway was deliberately indifferent to his serious medical needs by failing to treat his sleep apnea. Compl. 19. He also contends that, when he had a toothache, Nurse Holloway injected him with a drug that caused his right arm to go numb and caused him to vomit for hours. *Id.* Plaintiff also asserts that Dr. Karston was deliberately indifferent to Plaintiff’s serious medical needs by declining to submit Plaintiff for a sleep study and by trying

to force Plaintiff to undergo bloodwork even though Plaintiff said that bloodwork was unnecessary for a sleep apnea test. *Id.* at 21.

To state a claim for deliberate indifference to serious medical needs, a plaintiff must allege facts showing “(1) a serious medical need; (2) the defendants’ deliberate indifference to that need; and (3) causation between that indifference and the plaintiff’s injury.” *Mann v. Taser Int’l, Inc.*, 588 F.3d 1291, 1306-07 (11th Cir. 2009) (citation omitted). Plaintiff’s allegations with respect to each of these elements are largely vague or conclusory. For example, Plaintiff claims that he has sleep apnea, but he provides no factual support to explain why he believes he has this condition. Plaintiff similarly fails to allege that Nurse Holloway knew that Plaintiff would have an adverse reaction to the injection or that either of these defendants were aware of a risk of harm to Plaintiff and were deliberately indifferent to that potential harm. Instead, Plaintiff generally states that he sought attention for these conditions and that the defendants failed to treat him in the way that Plaintiff believed was appropriate. Plaintiff fails to state a claim for deliberate indifference to his medical needs.

IV. Order to Recast

As set forth above, Plaintiff fails to state a claim for relief. Nevertheless, it appears possible that Plaintiff may be able to state such a claim through a more carefully drafted complaint, particularly his deliberate indifference to serious medical needs claim. Therefore, Plaintiff will be given an opportunity to recast his complaint to try to state a claim.

Plaintiff is **ORDERED** to recast his complaint if he wants to proceed with this case. When doing so, Plaintiff must write legibly. Plaintiff must list each Defendant in the heading of his complaint. In the body of his complaint, Plaintiff must again list each defendant by name and tell the Court exactly how and when that Defendant allegedly violated Plaintiff's constitutional or federal statutory rights. Plaintiff's complaint should be no longer than ten (10) pages. Plaintiff may not attach any exhibits, declarations, or other attachments to the complaint.

Plaintiff is notified that only one sole operating complaint is permissible, and his recast complaint will take the place of his original complaint and all subsequent filings. *See Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (stating that when an amended complaint is filed, the previously filed complaint becomes "a legal nullity"); *Lowery v. Ala. Power Co.*, 483 F.3d 1184, 1219 (11th Cir. 2007) (citations omitted). Thus, the Court will not refer to any previous complaints or filings to determine if Plaintiff stated a claim, and Plaintiff must include all relevant factual information necessary for the Court to evaluate his claims in the recast complaint.

In recasting his complaint, it is recommended that Plaintiff list numbered responses to the following questions (to the extent possible) along with the name of each defendant:

- (1) *What* did this defendant do (or not do) to violate your rights? In other words: What was the extent of this defendant's authority or role in the unconstitutional conduct? Is s/he a supervisory official? Was the defendant personally involved in the constitutional violation? If not, did his actions otherwise cause the unconstitutional action? How do you know?

- (2) *When and where* did each action occur (to the extent memory allows)?
- (3) *How* were you injured as a result of this defendant's actions or decisions? If your injury is related to a change in the conditions of your confinement, please describe how those conditions differ from those in general population. If you have been physically injured, explain the extent of your injuries and any medical care requested or provided.
- (4) *How and when* did this defendant learn of your injuries or otherwise become aware of a substantial risk that you could suffer a serious injury?
- (5) *What* did this defendant do (or not do) in response to this knowledge?
- (6) *What* relief do you seek from this defendant?

Plaintiff should state his claims as simply as possible; he also need not use legal terminology or cite any specific statute or case law to state a claim, although the Court will presume that Plaintiff's claims are brought under 42 U.S.C. § 1983 unless otherwise specified. *See* Fed. R. Civ. P. 8.

MOTION FOR GRIEVANCES

Plaintiff filed a letter regarding grievances (ECF No. 14) in which he asks the Court to order the Bibb County Law Enforcement Center to provide him with copies of his grievances and medical records so that he can file them with the Court. At this stage of the proceeding, Plaintiff does not need to file any grievances, medical records, or other evidence with the Court. Instead, he only needs to file a recast complaint as set forth in this order.

Once Plaintiff has filed his recast complaint, the Court will review the complaint to determine whether any of the defendants will be served and whether this case will proceed to discovery. *See* 28 U.S.C. § 1915A (requiring screening of

prisoner complaints that seek redress against government entities, officers, or employees). If this case moves into the discovery phase, Plaintiff must direct any discovery requests to the defendants. If the defendants fail to comply with any proper discovery requests, Plaintiff may seek an order from this Court. *See* Fed. R. Civ. P. 37(a) (regarding motions to compel discovery). Therefore, Plaintiff's request for the Court to order that his grievances and medical records be provided to him is **DENIED**.

MOTION FOR INJUNCTION

Plaintiff filed a motion for an injunction, asserting that Lieutenant Smith has continued to harass and threaten Plaintiff (ECF No. 16). Plaintiff also seeks injunctive relief as to Vaughan. Mot. for Injunction 1, ECF No. 16. Plaintiff contends that he wakes up with shortness of breath and chest pain, but that Vaughan has not scheduled him for a sleep study. *Id.*

A temporary restraining order ("TRO") or preliminary injunction is a drastic remedy used primarily to preserve the status quo rather than to grant most or all of the substantive relief sought in the complaint. *See, e.g., Cate v. Oldham*, 707 F.2d 1176, 1185 (11th Cir. 1983); *Fernandez-Roque v. Smith*, 671 F.2d 426, 429 (11th Cir. 1982).² Factors a movant must show to be entitled to a TRO include: "(1) a substantial likelihood of ultimate success on the merits; (2) the TRO is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the TRO

² The standard for obtaining a TRO is the same as the standard for obtaining a preliminary injunction. *See Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001) (per curiam); *Windsor v. United States*, 379 F. App'x 912, 916-17 (11th Cir. 2010) (per curiam).

would inflict on the non-movant; and (4) the TRO would serve the public interest.” *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995) (per curiam).

At this stage, the record is not sufficiently developed to conclude that Plaintiff has a “substantial likelihood of success on the merits.” As discussed above, Plaintiff’s complaint does not state a claim for relief, and he has been ordered to recast his complaint to continue with this case. Thus, it is not yet clear whether any of Plaintiff’s claims will proceed, much less whether he has a substantial likelihood of success on such claims.

Plaintiff has, for the same reason, failed to allege facts showing that his threatened injury outweighs any harm to defendants or that an injunction would not be adverse to the public interest. Plaintiff’s motion, therefore, falls short of meeting the prerequisites for issuance of a temporary restraining order or preliminary injunction, and it is **RECOMMENDED** that the motion be **DENIED**.

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1), Plaintiff may serve and file written objections to this Order and Recommendation with the district judge to whom this case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy of this Order and Recommendation. Plaintiff may seek an extension of time in which to file written objections, provided a request for an extension is filed prior to the deadline for filing written objections. Any objection is limited in length to **TWENTY (20) PAGES**. *See* M.D. Ga. L.R. 7.4. Failure to object in accordance with the provisions of § 636(b)(1) waives the right to challenge on appeal the district judge’s

order based on factual and legal conclusions to which no objection was timely made. See 11th Cir. R. 3-1.

CONCLUSION

For the reasons set forth above, Plaintiff fails to a claim upon which relief may be granted. Nevertheless, he will be given an opportunity to file a recast complaint. Therefore, Plaintiff is **ORDERED** to file a recast complaint consistent with this order if he wants to proceed with this case. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this order to file his recast complaint. Plaintiff's failure to fully and timely comply with this order may result in the dismissal of this case. Additionally, Plaintiff's request for an order requiring the Bibb County Law Enforcement Center to provide him with grievances and medical records (ECF No. 14) is **DENIED**, and it is **RECOMMENDED** that Plaintiff's motion for injunctive relief (ECF No. 16) be **DENIED**.

The clerk is **DIRECTED** to forward Plaintiff a blank 42 U.S.C. § 1983 form along with his service copy of this order (with the civil action number showing on both). There shall be no service in this case pending further order of the Court.

SO ORDERED and RECOMMENDED, this 21st day of October, 2025.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE