

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

BOBBY LEWIS WALTON, JR.,	::	PRISONER CIVIL RIGHTS
Plaintiff,	::	42 U.S.C. § 1983
	::	
v.	::	
	::	
LAURIE HUDSON; et al.,	::	CIVIL ACTION NO.
Defendants.	::	3:25-CV-0263-LMM-RGV

**FINAL REPORT AND RECOMMENDATION**

Plaintiff Bobby Lewis Walton, Jr., presently confined in the Spalding County Jail in Griffin, Georgia, has filed this pro se civil rights action. The matter is now before the undersigned Magistrate Judge for consideration of plaintiff's request to proceed in forma pauperis, [Doc. 2], and for an initial screening under 28 U.S.C. § 1915A. For the reasons that follow, plaintiff's request to proceed in forma pauperis, [Doc. 2], is **GRANTED** but it is **RECOMMENDED** that this action be **DISMISSED** for failure to state a claim.

**I. REQUEST TO PROCEED IN FORMA PAUPERIS**

A review of plaintiff's financial affidavit reveals that he has filed an authorization allowing his custodian to withdraw funds from his inmate account and that he has insufficient funds in that account to pay the filing fee. [Doc. 2 at 2; Doc. 1 at 11]. Accordingly, plaintiff's request to proceed in forma pauperis, [Doc.

2], is **GRANTED**, and plaintiff need not pay an initial partial filing fee. Plaintiff shall, however, be obligated to pay the full statutory filing fee of \$350.00 as funds are deposited in his inmate account pursuant to the provisions of 28 U.S.C. § 1915(b)(2). Specifically, the balance of said filing fee shall be paid by, or on behalf of the plaintiff, in monthly or other incremental payments in the amount of 20% of the preceding month's income credited to plaintiff's inmate account in each month in which plaintiff's account balance exceeds \$10.00. Pursuant to 28 U.S.C. § 1915(b)(2), the institution administering plaintiff's inmate account shall withdraw such amounts from the account and remit the same to the Clerk, U.S. District Court, until the filing fee is paid in full, as verified by separate notice from the Clerk to the warden of the institution.

## **II. FRIVOLITY SCREENING**

### **A. Legal Standards**

Plaintiff brings this civil rights action against the defendants under 42 U.S.C. § 1983 ("§ 1983"). Federal courts are required to screen "as soon as practicable" a prisoner complaint "which seeks redress from a governmental entity or officer or employee of a governmental entity." 28 U.S.C. § 1915A(a). Section 1915A(b) requires a federal court to dismiss a prisoner complaint that either: (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.”

To state a claim for relief under § 1983, a plaintiff must allege that an act or omission committed by a person acting under color of state law deprived him of a right, privilege, or immunity secured by the Constitution or laws of the United States. Hale v. Tallapoosa Cty., 50 F.3d 1579, 1582 (11th Cir. 1995). If a litigant cannot satisfy those requirements, or fails to provide supporting factual allegations, then the complaint is subject to dismissal for failure to state a claim. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (noting that “[f]actual allegations must be enough to raise a right to relief above the speculative level,” and that a complaint “must contain something more . . . than . . . a statement of facts that merely creates a suspicion [of] a legally cognizable right of action” (citations omitted)); see also Ashcroft v. Iqbal, 556 U.S. 662, 681-84 (2009) (holding that Twombly “expounded the pleading standard for ‘all civil actions,’” to wit, conclusory allegations that “amount to nothing more than a ‘formulaic recitation of the elements’ of a constitutional . . . claim” are “not entitled to be assumed true,” and, to escape dismissal, complaint must allege facts sufficient to move claims “‘across the line from conceivable to plausible’” (citations omitted)); Papasan v. Allain, 478 U.S. 265, 286 (1986) (accepting as true only plaintiff’s factual

contentions, but not his or her legal conclusions couched as factual allegations); Beck v. Interstate Brands Corp., 953 F.2d 1275, 1276 (11th Cir. 1992) (per curiam) (court is “not permitted to read into the complaint facts that are not there”).

**B. Discussion**

Plaintiff brings this action against Spalding County public defenders Laurie Hudson, Karlyn Skall, and Adam Allen. [Doc. 1 at 1, 3]. Plaintiff asserts that he has been falsely imprisoned and subjected to cruel and unusual punishment because he has been incarcerated since August 1, 2021, for a misdemeanor offense. [Id. at 4]. Plaintiff seeks monetary relief and release from imprisonment. [Id. at 5].

Pursuant to § 1983, a plaintiff may pursue relief for possible violations of her constitutional rights only against the specific individuals who committed acts that allegedly violated those rights. See Hafer v. Melo, 502 U.S. 21, 27 (1991); Will v. Michigan Dep’t of State Police, 491 U.S. 58, 71 n.10 (1989). The public defenders do not qualify as state actors for purposes of § 1983 liability. Polk County v. Dodson, 454 U.S. 312, 324 (1981). Additionally, as to plaintiff’s request for release from imprisonment, such relief is available only in a federal habeas corpus action. Preisser v. Rodriguez, 411 U.S. 475, 500 (1973). Therefore, this action is due to be dismissed for plaintiff’s failure to state a claim.


### III. CONCLUSION

For the foregoing reasons, plaintiff's request to proceed in forma pauperis, [Doc. 2], is **GRANTED** but **IT IS RECOMMENDED** that this pro se civil rights action be **DISMISSED** for failure to state a claim.

The Clerk **SHALL** transmit a copy of this Order to the Sheriff of Spalding County. The Sheriff, or his designee, shall collect the aforesaid monthly payments from plaintiff's inmate account and remit such payments to the Clerk of the United States District Court for the Northern District of Georgia until the \$350.00 filing fee is paid in full.

The Clerk is **DIRECTED** to terminate the referral to the Magistrate Judge.

**SO ORDERED AND RECOMMENDED**, this 13th day of January, 2026.

  
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RUSSELL G. VINEYARD  
UNITED STATES MAGISTRATE JUDGE