UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6064

DONOVAN MOENELL WILLIAMS,

Plaintiff – Appellant,

v.

STATE OF NORTH CAROLINA; SERGEANT KINCAID, Wake County Sheriff's Office; GARCIA, Head of RPD Gang Unit; PAUL RIDGEWAY, Senior Resident Superior Court Judge - Wake County; JUDGE HOLT, Wake County Judge; DOCTOR UMESI, Wake County Jail Doctor; SHENTA JACKSON-WALTON, Former Wake County ADA; GERALD BAKER; CAPTAIN ANDERSON; OFFICER AIELLOS; DIRECTOR JACKSON; OFFICER EJ GILES, JR.; MAJOR GLENN,

Defendants – Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:21-ct-03174-D)

Submitted: June 30, 2022 Decided: August 19, 2022

Before WYNN and DIAZ, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

Donovan Moenell Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donovan Moenell Williams appeals the district court's order dismissing his 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(b). Because the district court erred in dismissing Williams's excessive-force claims—and it's unclear whether the court declined to exercise supplemental jurisdiction over a state-law claim as a result—we vacate and remand those claims for further proceedings. We discern no error in the district court's disposition of Williams's remaining claims, so we otherwise affirm.

We review a district court's dismissal under § 1915A for failure to state a claim de novo. *Wilcox v. Brown*, 877 F.3d 161, 166 (4th Cir. 2017). A plaintiff states a claim "when he alleges facts allowing the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (cleaned up). At this stage, we construe all factual allegations in the light most favorable to Williams. *Id.* And because he's a pro se litigant raising civil rights issues, we "must construe pleading requirements liberally." *Id.*

Williams's § 1983 complaint alleged, among other things, various constitutional violations while he was a pretrial detainee at the Wake County Detention Center and the Wake County Public Safety Center. *See Williams v. North Carolina*, No. 21-CT-3174, 2022 WL 167566, at *1–*2 (E.D.N.C. Jan. 7, 2022). Though his amended complaint alleged claims against eight current or former jail or sheriff's office employees, we focus on his claims against Sergeant Kincaid and Officer Giles.

Williams alleged that Kincaid, a former sergeant at the Wake County Public Safety Center, "sprayed ventilation with mace which created a gas chamber effect for [four] days." *Id.* at *3. Williams claimed that Giles, a deputy officer of the Wake County Sheriff's

Office, "cuffed [Williams] so tight that he is permanently scarred." *Id.* According to Williams, Giles "arbitrarily assaulted him in violation of prison policy [and] capriciously told [Williams] to lay flat to suffocate him while [Williams] complained that [he] could not breathe." *Id.* Williams also alleged that Giles violated his rights under the North Carolina Constitution. *See id.*

To state a § 1983 claim, Williams had to plead that a person deprived him of "a right secured by the constitution or a federal statute" while "acting under color of state law." *Campbell v. Florian*, 972 F.3d 385, 392 n.5 (4th Cir. 2020). While Williams didn't state as much, we construe his claims against Kincaid and Giles as alleged violations of the Due Process Clause of the Fourteenth Amendment, which "protects a pretrial detainee from the use of excessive force that amounts to punishment." *Duff v. Potter*, 665 F. App'x 242, 244 (4th Cir. 2016) (quoting *Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989)); *see also Booker v. S.C. Dep't of Corr.*, 855 F.3d 533, 540 n.4 (4th Cir. 2017) ("[C]ourts [] liberally construe[] complaints even where pro se plaintiffs do not reference any source of law . . . or where they cite the wrong part of the Constitution." (cleaned up)).

So to state his excessive-force claims, Williams had to allege "only that the force purposely or knowingly used against him was objectively unreasonable." *Kingsley v. Hendrickson*, 576 U.S. 389, 396–97 (2015). The court must make this reasonableness determination from the perspective of a reasonable officer at the scene, without hindsight, while accounting for "the legitimate interests that stem from the government's need to manage the facility in which the individual is detained." *Id.* at 397 (cleaned up).

Here, the district court apparently dismissed Williams's mace-spraying claim against Kincaid for failure to state a state-law violation or a respondeat superior claim. *Williams*, 2022 WL 167566, at *3. For Giles, the court found that Williams's failure to provide a date of the alleged assault was fatal. *See id.* But under the liberal construction we afford to pro se litigants, we conclude that Williams's excessive-force claims against Kincaid and Giles survive § 1915A review.

For one, the district court erred in reading Williams's mace-spraying claim against Kincaid as one under state-law or a respondeat superior theory. Williams alleged that Kincaid himself "sprayed [a] ventline with mace which created a gas chamber effect for [four] days." E.R. 110.* Though Williams didn't say it was *his* ventline that Kincaid sprayed, his informal brief confirms it was. *See* Informal Br. at 2. In any event, we can reasonably infer the same from the amended complaint. And liberally construing the facts, "there is little room for us to determine that the use of force could have been justified." *McFarlin v. Penzone*, 848 F. App'x 695, 698 (9th Cir. 2021) (reversing § 1915A dismissal of excessive-force claim).

Next, the district court's dismissal of Williams's claim against Giles for failure to provide the date of the alleged assault demanded too much at the pleading stage. The lack of a date is insufficient alone to defeat an otherwise well-pleaded claim. *See Wilcox*, 877 F.3d at 166 (explaining that a plaintiff need only allege facts to permit a "reasonable inference that the defendant is liable for the misconduct alleged" to survive dismissal

* Citations to "E.R." refer to the electronic record filed in this court.

(cleaned up)). Williams not only alleged that Giles suffocated him and left him "permanently scarred," but also that Giles's assault violated the facility's policies. *See* E.R. 110. We again fail to see how this allegedly unsanctioned use of force could be justified on the facts before us.

In short, the district court erred in dismissing Williams's excessive-force claims against Kincaid and Giles. We vacate and remand those claims to the district court for further proceedings. And because it's unclear whether the district court dismissed Williams's state-constitution claim against Giles for lack of supplemental jurisdiction, we vacate and remand that claim, too. *See Williams*, 2022 WL 167566, at *3. On Williams's remaining claims, we affirm. We deny Williams's motions for en banc hearing, an evidentiary hearing, to expedite, and to add evidence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART,
AND REMANDED

FILED: August 19, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6064
(5:21-ct-03174-D)

DONOVAN MOENELL WILLIAMS

Plaintiff - Appellant

v.

STATE OF NORTH CAROLINA; SERGEANT KINCAID, Wake County Sheriff's Office; GARCIA, Head of RPD Gang Unit; PAUL RIDGEWAY, Senior Resident Superior Court Judge - Wake County; JUDGE HOLT, Wake County Judge; DOCTOR UMESI, Wake County Jail Doctor; SHENTA JACKSON-WALTON, Former Wake County ADA; GERALD BAKER; CAPTAIN ANDERSON; OFFICER AIELLOS; DIRECTOR JACKSON; OFFICER EJ GILES, JR.; MAJOR GLENN

Defendants - Appellees

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed in part and vacated in part. This case is remanded to the district court for further proceedings consistent with the court's decision.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: September 20, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6064
(5:21-ct-03174-D)

DONOVAN MOENELL WILLIAMS

Plaintiff - Appellant

v.

STATE OF NORTH CAROLINA; SERGEANT KINCAID, Wake County Sheriff's Office; GARCIA, Head of RPD Gang Unit; PAUL RIDGEWAY, Senior Resident Superior Court Judge - Wake County; JUDGE HOLT, Wake County Judge; DOCTOR UMESI, Wake County Jail Doctor; SHENTA JACKSON-WALTON, Former Wake County ADA; GERALD BAKER; CAPTAIN ANDERSON; OFFICER AIELLOS; DIRECTOR JACKSON; OFFICER EJ GILES, JR.; MAJOR GLENN

Defendants - Appellees

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wynn, Judge Diaz, and Senior Judge Floyd.

For the Court

/s/ Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CT-3174-D

DONOVAN MOENELL WILLIAMS, Plaintiff, v. THE STATE OF NORTH CAROLINA, et al., Defendants.	)	**ORDER**

On June 18, 2021, Donovan Moenell Williams ("Williams" or "plaintiff"), a pretrial detainee proceeding pro se, filed this action [D.E. 1]. Williams proceeds in forma pauperis. See [D.E. 2, 6]. On November 17, 2021, the court reviewed all of Williams's motions and filings and directed Williams to file one legible, operative complaint[1] clearly identifying his claims and giving the named defendants fair notice of his claims and the factual basis upon which these claims rest. Order [D.E. 22] 5. The court directed Williams to specifically explain each defendant's role in each claim and provide specific dates on which each incident complained of occurred. Id. The court provided Williams with a copy of his original complaint to assist him in formulating his response, and informed Williams that the amended complaint would be subject to further review. Id.

On December 10, 2021, Williams filed his amended complaint [D.E. 25]. As explained below, the court denies Williams's motion to amend and dismisses the action.

[1] The court denies as moot Williams's five additional motions to amend [D.E. 16, 18, 19, 20, 23].

I.

When a prisoner seeks relief in a civil action from a governmental entity or officer, a court must review and dismiss the complaint if it is "frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915A(a)–(b)(1). A frivolous case "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). "Legally frivolous claims are based on an indisputably meritless legal theory and include claims of infringement of a legal interest which clearly does not exist." Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994) (quotations omitted). Factually frivolous claims lack an "arguable basis" in fact. Neitzke, 490 U.S. at 325.

The standard used to evaluate the sufficiency of a pleading is flexible, "and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam) (quotation omitted). Erickson, however, does not undermine the "requirement that a pleading contain 'more than labels and conclusions.'" Giarratano v. Johnson, 521 F.3d 298, 304 n.5 (4th Cir. 2008) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)); see Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 566 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255–56 (4th Cir. 2009); Francis v. Giacomelli, 588 F.3d 186, 192–93 (4th Cir. 2009).

"To state a claim under [section] 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." West v. Atkins, 487 U.S. 42, 48 (1988); see Philips v. Pitt Cnty. Mem'l Hosp., 572 F.3d 176, 180 (4th Cir. 2009). Additionally, because the

doctrine of respondeat superior does not apply to section 1983 claims, a section 1983 plaintiff must plausibly allege the personal involvement of a defendant. See, e.g., Iqbal, 556 U.S. at 676–77; Monell v. Dep't of Soc. Servs., 436 U.S. 658, 691–94 (1978); Wright v. Collins, 766 F.2d 841, 850 (4th Cir. 1985).

Williams's claims arose at the Wake County Detention Center and the Wake County Public Safety Center. See Am. Compl. [D.E. 25] 5. Williams names Wake County Sheriff Gerald Baker and seven other current or former jail or sheriff's office employees as defendants. See id. at 3–4.

First, Williams alleges that a jail physician, Dr. Umesi, denied Williams medical treatment in retaliation for a "legal debate." Id. at 5. Williams alleges that he was denied medical treatment for his neck, back, and thumb. See id. at 5, 8. Though he states that he did receive a medical examination, Williams takes issue with the alleged brevity of the examination which he blames on retaliation for a "legal debate." Id. at 5. Williams has failed to comply with the court's November 17 order because he has not provided a date for this incident. Additionally, Williams fails to make anything other than "conclusory assertions about the defendant['s] motivations with no facts stated to connect the[] actions with his constitutionally protected conduct." Thompson v. Clarke, No. 7:17CV00010, 2018 WL 1547360, at *5 (W.D. Va. Mar. 29, 2018) (unpublished). Thus, the court dismisses defendant Umesi.

Next, Williams names Sheriff Baker under a respondeat superior theory alleging that he spoke to Baker "personally on multiple occasions[,]" that Baker "failed to adequately train, [and] censure," and that Baker "was present during June 4th assault." Am. Compl. at 5. Williams has not provided any description of the alleged June 4, 2021 incident that would provide defendant Baker

with fair notice of the factual basis upon which Williams's claims rest. Cf. Order at 5.[2] Moreover, where a defendant is sued on the basis of supervisory liability, "[a] plaintiff must show actual or constructive knowledge of a risk of constitutional injury, deliberate indifference to that risk, and an affirmative causal link between the supervisor's inaction and the particular constitutional injury suffered by the plaintiff." Carter v. Morris, 164 F.3d 215, 221 (4th Cir. 1999) (quotations and citation omitted); see Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994). Williams has not plausibly alleged facts sufficient to state a claim based on supervisory liability. Thus, the court dismisses defendant Baker.

Next, Williams alleges that defendant Anderson was "spoken to in person & thru grievances, repeatedly impeded law library [illegible], is also over mail room, impeded legal mail, filed malicious / retaliatory reports, respondeat superior for 11/3 incident." Am. Compl. at 5. Additionally, Anderson told Williams "not to tell [defendant] Aiellos to 'grow up[.]'" Id. at 6. Williams has failed to comply with the court's November 17 order in that he has not provided dates for the alleged issues with the law library, legal mail, unspecified reports, and conversation with Anderson about Aiellos. Additionally, his claims of retaliation or under a theory of respondeat superior fail for the reasons discussed. See Carter, 164 F.3d at 221; Shaw, 13 F.3d at 799; Thompson, No. 7:17CV00010, 2018 WL 1547360, at *5. The court also notes that "participation in the administrative remedy proceedings is not the type of personal involvement necessary to state a claim based upon supervisor liability." Abdel–Aziz v. Johns, No. 5:07-CT-3095-FL, 2008 WL 4279696, at *3 (E.D.N.C. Sept. 15, 2008) (unpublished). Finally, Anderson's instruction to Williams concerning Aiellos does not state a claim of constitutional or legal magnitude. Thus, the

[2] Williams lists four dates, "9/13/2020, 6/4/2021, 7/12/2020, 11/03/2021[,]" that he describes as "batteries/assaults[.]" Am. Compl. at 5. Only the September 13, 2020 incident can be connected to any detailed description of the alleged incident. See Am. Compl. at 5.

court dismisses defendant Anderson.

Next, Williams alleges that defendant Aiellos "initiated law library removal with false report (retaliatory / arbitrary) aggravated his behavior by reading my legal mail when he thought I wasn't looking then saying it was only out of 'curiosity' & stating he's fine with violating my rights." Am. Compl. at 5. Williams has failed to comply with the court's November 17 order. He has not provided dates for any alleged incidents regarding Aiellos and has not expressly connected Aiellos to specific allegations regarding the law library. However, to the extent that Aiellos's conduct resulted in Williams having only "(2) 2 hr visits a month to law library" or resulted in Williams being unable to access the law library on seven occasions over two years, Am. Compl. at 6, those allegations do not state a claim of constitutional magnitude.[3] "[A] pretrial detainee who is represented by counsel, or who refuses an offer of counsel, lacks a constitutionally protected right to access and use legal materials." Blalock v. Eaker, 845 F. Supp. 2d 678, 680 (W.D.N.C. 2012) (citing United States v. Chatman, 584 F.2d 1358, 1360 (4th Cir. 1978)); see Degrate v. Godwin, 84 F.3d 768, 769 (5th Cir. 1996) (per curiam) (collecting cases); Smith v. Hutchins, 426 F. App'x 785, 789–90 (11th Cir. 2011) (per curiam) (unpublished).[4] Thus, the court dismisses defendant Aiellos.

Next, Williams sues defendant Kincaid for "respondeat superior during 9/13/2020 incident, willfully violated N.C. Gen. Stat. § 153A-221 arbitrarily & negligently, sprayed ventilation with mace which created a gas chamber effect for (4) days, denied washcloth so we [illegible]." Am. Compl. 5 (cleaned up). Williams has not described how Kincaid, a retired former sergeant at the Wake County Public Safety Center, violated N.C. Gen. Stat. § 153A-221 which requires the

[3] Williams also makes a brief reference to needing "trial evidence . . . as a 'pro se' litigant" and a "1st meeting w/ new standby" counsel on an unspecified date. Am. Compl. at 6.

[4] Williams's allegations about the library (Am. Compl. at 6) also are not connected to any defendant. Thus, the claims fail.

Secretary of the Department of Health and Human Services to "develop and publish minimum standards for the operation of local confinement facilities," including standards for the "supervision of prisoners" and "[m]edical care for prisoners, including mental health, mental retardation, and substance abuse services." Williams's respondeat superior claim based on the alleged September 13, 2020 incident fails for the reasons discussed. See Carter, 164 F.3d at 221; Shaw, 13 F.3d at 799. Thus, the court dismisses defendant Kincaid.

Next, Williams sues defendant Jackson for "respondeat superior since 2019 incidents of [illegible] food & other retaliatory actions, enabled abuses, failed to censure & intervene, failed to educate staff on 'current case law & prisoner rights' as described in policy handbook (hasn't sent out educational materials in years for staff), failed to ensure compliance w/ court orders, & actually attempted to go over Judge Shirley's head & get the senior resident judge to negate order unsuccessfully." Am. Compl. at 5; see also id. at 6 (alleging "violation of (2) court orders" without connecting the allegation to any defendant). Williams has failed to comply with the court's November 17 order in that he has not provided dates for the alleged incidents. And any claim of retaliation or under a theory of respondeat superior fails for the reasons discussed. To the extent Williams alleges that Jackson is interfering with ongoing proceedings in his pending criminal case, he must raise such claims in that case. Cf. Younger v. Harris, 401 U.S. 37, 41–46 (1971); Nivens v. Gilchrist, 444 F.3d 237, 241 (4th Cir. 2006). Thus, the court dismisses defendant Jackson.

Next, Williams alleges that defendant Giles "cuffed petitioner so tight that he is permanently scarred, arbitrarily assaulted him in violation of prison policy, capriciously told plaintiff to lay flat to suffocate him while I complained that I could not breathe, breached NC Const § 19 by stating he 'doesn't wanna hear about that sovereign citizen stuff although I have never claimed to be a sovereign & only spoke of the illegality of his actions." Am. Compl. at 5. Williams has failed to

comply with the court's November 17 order in that he has not provided dates for the alleged incidents. The court also dismisses any claim under the North Carolina Constitution. See Love-Lane v. Martin, 355 F.3d 766, 789 (4th Cir. 2004); Corum v. Univ. of N.C., 330 N.C. 761, 782, 413 S.E.2d 276, 289, 293 (1992); El-Bey v. N. Carolina Dep't of Pub. Safety, No. 5:21-CV-00084-MR, 2021 WL 5056082, at *4 (W.D.N.C. Oct. 29, 2021) (unpublished). Thus, the court dismisses defendant Giles.

Next, Williams alleges that defendant Glenn "oversaw arbitrary transfer with absolutely no due process or [illegible] inquiry into situation, fibbed about nature of petitioner being called down & denied [Williams] was being transferred in violation of due process, & initiated transfer at least in part due to the turning in of a 2nd court order on the jail in less than 2 months just hours earlier." Am. Compl. at 5; see also id. at 6 (describing issues that occurred because of his transfer but not connecting these issues to Glenn or any other defendant). Williams has failed to comply with the court's November 17 order in that he has not provided dates for the alleged incidents. And any claim of retaliation fails for the reasons discussed above. Moreover, Williams has no generalized procedural due process right to be housed in a particular detention facility. See Ajaj v. Smith, 108 F. App'x 743, 744 (4th Cir. 2004) (per curiam) (unpublished); cf. Bell v. Wolfish, 441 U.S. 520, 539–41 (1979); Williamson v. Stirling, 912 F.3d 154, 174–75 (4th Cir. 2018).

Finally, pages 6 through 9 of Williams's amended complaint contain more conclusory, and, at times, illegible[5] allegations which Williams has not provided dates for or connected to any named defendant. To the extent Williams cites 18 U.S.C. §§ 241 or 245, Am. Compl. at 7, these criminal statutes do not create a private right of action. See 18 U.S.C. §§ 241, 245; United States v. Oguaju,

[5] Williams alleges that his thumb mobility was compromised due to injury and that as a result he cannot write as neatly as he used to. See Am. Compl. at 9.

76 F. App'x 579, 581 (6th Cir. 2003) (per curiam) (unpublished); Robinson v. Overseas Military Sales Corp., 21 F.3d 502, 511 (2d Cir. 1994); Anderson v. Kata, No. CV 3:20-3354-HMH-MHC, 2020 WL 8083881, at *2 (D.S.C. Dec. 17, 2020) (unpublished) (collecting cases), report and recommendation adopted, 2021 WL 100810 (D.S.C. Jan. 12, 2021) (unpublished), appeal dismissed, 858 F. App'x 99 (4th Cir. 2021) (per curiam) (unpublished); El Bey v. Celebration Station, No. 3:02CV461, 2006 WL 2811497, at *3 (W.D.N.C. Sept. 28, 2006) (unpublished), aff'd, 242 F. App'x 917 (4th Cir. 2007) (per curiam) (unpublished). Williams also references various provisions of the North Carolina Constitution. See Am. Compl. at 7. Williams has not connected these provisions to specific dates, incidents, or defendants. Williams's North Carolina Constitution fail for the reasons discussed.

II.

Williams seeks recusal based on the court's description of one of his filings as "nonsensical" [D.E. 25-1]. Williams has failed to make the requisite showing for recusal. See, e.g., Liteky v. United States, 510 U.S. 540, 552–55 (1994); United States v. Robertson, 856 F. App'x 432, 436 (4th Cir. 2021) (per curiam) (unpublished); Belue v. Leventhal, 640 F.3d 567, 572–73 (4th Cir. 2011); United States v. Cherry, 330 F.3d 658, 665–66 (4th Cir. 2003). A judge need not recuse "simply because of unsupported, irrational or highly tenuous speculation." Cherry, 330 F.3d at 665 (quotation omitted). "Even remarks made 'that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge.'" United States v. Lentz, 524 F.3d 501, 530 (4th Cir. 2008) (quoting Liteky, 510 U.S. at 555). Moreover, merely ruling against a party does not show impartiality or bias; adverse rulings "are proper grounds for appeal, not for recusal." Liteky, 510 U.S. at 555; see Belue, 640 F.3d 574. Thus, the court denies the request.

III.

In sum, the court DENIES plaintiff's motions to amend [D.E. 16, 18, 19, 20, 23], and DISMISSES the action for failure to state a claim under 28 U.S.C. § 1915A(b)(1). The clerk shall close the case.

SO ORDERED. This 6 day of January, 2022.

JAMES C. DEVER III
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

DONOVAN MOENELL WILLIAMS,
Plaintiff,

v.

STATE OF NORTH CAROLINA, SGT. KINCAID, OFFICER GARCIA, PAUL RIDGEWAY, JUDGE HOLT, DR. UMESI, SHENTA JACKSON-WALTON, GERALD BAKER, CAPTAIN ANDERSON, OFFICER AIELLOS, DIRECTOR JACKSON, OFFICER EJ GILES, JR. and MAJOR GLENN,
Defendants.

Judgment in a Civil Case

Case Number: 5:21-CT-3174-D

Decision by Court.

This action came before the Honorable James C. Dever III, United States District Judge, for frivolity review pursuant to 28 U.S.C. § 1915.

IT IS ORDERED AND ADJUDGED that this action is hereby dismissed for failure to state a claim under 28 U.S.C. § 1915A(b)(l).

This Judgment Filed and Entered on January 7, 2022, with service on:
Donovan Moenell Williams 180560 Wake County Jail P.O. Box 2419 Raleigh, NC 27602
(via U.S. Mail)

January 7, 2022

Peter A. Moore, Jr.
Clerk of Court

By: _____
Deputy Clerk