# United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
**FILED**
August 15, 2025
Lyle W. Cayce
Clerk

No. 24-30553

CARNELL C. MORRIS,

*Plaintiff—Appellant*,

*versus*

MAJOR M. ESTES; LIEUTENANT TREHAN,

*Defendants—Appellees*.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:21-CV-947

Before KING, SMITH, and DOUGLAS, *Circuit Judges*.

PER CURIAM:[*]

Carnell C. Morris, an inmate in custody of the Louisiana Department of Corrections, sued multiple correctional officers alleging excessive force. The magistrate judge recommended dismissal on the basis that Morris had not alleged "more than *de minimis*" injuries and therefore the claim was barred by 42 U.S.C. § 1997e(e). The district court adopted this recommendation and dismissed this case. We REVERSE and REMAND.

[*] This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

## I

Carnell C. Morris, Louisiana prisoner # 100116, filed a pro se,[1] in forma pauperis (IFP) complaint against Major Estes and Lieutenant Trehan of the Allen Correctional Center. Morris alleges that, having not been allowed out of confinement to eat, he became "homicidal and suicidal," and told a prison official he needed to see a mental health specialist.[2] When a prison official allegedly expressed doubts about his need for mental health services and threatened to lock him up, Morris "los[t] control[] of his sanity," and smashed several items. Estes and Trehan subdued him by spraying him with chemicals and handcuffing him with his arms behind his back, and then allegedly threw him face first into a footlocker. Morris was treated for what he describes as "minor facial injuries." Among other things, Morris alleges that Estes and Trehan subjected him to an excessive use of force in violation of the Eighth Amendment.

The magistrate judge reviewed Morris's complaint and recommended that it be dismissed as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2) and 42 U.S.C. § 1997e(e).[3] As to Morris's claim of excessive force, the magistrate judge concluded that Morris suffered only *de minimis* physical injuries, which did not support a plausible excessive

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[1] On appeal, Morris is represented by pro bono and student counsel.

[2] Morris named two other defendants, who were dismissed from the suit early in the proceedings, and their dismissal is not challenged. Further, before this matter came up for consideration, Morris informed the district court that Estes had died and that he proceeds only against Trehan in the current action.

[3] The magistrate judge also recommended denial of Morris's motion for entry of a default judgment. Morris has not briefed, and therefore has abandoned, a challenge to this action. *See Davis v. Maggio*, 706 F.2d 568, 571 (5th Cir. 1983) (per curiam). In addition, the magistrate judge noted that Morris's claims would not support a request for injunctive relief and could not result in the expungement of his disciplinary record. On appeal, Morris notes that he did not request either form of relief. Accordingly, this need not be addressed.

force claim for monetary damages. Morris filed objections to the magistrate judge's report and recommendation. The district court overruled those objections and dismissed the complaint as frivolous and for failure to state a claim. Morris timely appealed.

## II

The Prison Litigation Reform Act (PLRA) requires a district court to dismiss a prisoner's IFP civil rights complaint if the court determines that the action is frivolous or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii); *see also id.* § 1915A(b)(1); 42 U.S.C. § 1997e(c)(1); *Black v. Warren*, 134 F.3d 732, 733–34 (5th Cir. 1998) (per curiam). We review dismissals for failure to state a claim de novo, accepting the facts alleged in the complaint as true and construing them in the light most favorable to the plaintiff, to determine if the claim is facially plausible. *Alderson v. Concordia Par. Corr. Facility*, 848 F.3d 415, 419 (5th Cir. 2017) (per curiam). We review a district court's determination that a case is frivolous for abuse of discretion. *Black*, 134 F.3d at 734.

## III

In recommending dismissal of Morris's excessive force claim, the magistrate judge relied on 42 U.S.C. § 1997e(e), the PLRA's physical injury requirement: "No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury." In *Siglar v. Hightower*, 112 F.3d 191 (5th Cir. 1997), this court held that, in the absence of a definition of "physical injury" under the PLRA, "well established Eighth Amendment standards guide our analysis in determining whether a prisoner has sustained the necessary physical injury to support a claim for mental or emotional suffering." *Id.* at 193. Therefore, based on our Eighth Amendment jurisprudence at the time, the *Siglar* court held "the

injury must be more than *de minim[i]s*, but need not be significant" to satisfy the PLRA's physical injury requirement. *Id.* Relying on *Siglar*, the magistrate judge here determined that Morris's "admission that he suffered 'minor' facial injuries [was] sufficient to find that his claim does not overcome § 1997e(e)'s prohibition."

But, in *Wilkins v. Gaddy*, 559 U.S. 34 (2010) (per curiam), the Supreme Court rejected a requirement that a prisoner show a more than *de minimis* injury to establish an Eighth Amendment claim of excessive force because that approach would be at odds with the Court's prior directive in *Hudson v. McMillian*, 503 U.S. 1 (1992), "to decide excessive force claims based on the nature of the force rather than the extent of the injury." *Wilkins*, 559 U.S. at 34. The Supreme Court noted that *Hudson* "aimed to shift the 'core judicial inquiry' from the extent of the injury to the nature of the force." *Id.* at 39 (quoting *Hudson*, 503 U.S. at 7). A conclusion that "the absence of some arbitrary quantity of injury requires automatic dismissal of an excessive force claim improperly bypasses this core inquiry." *Id.* (internal quotation marks and citation omitted). Accordingly, the Supreme Court held that dismissal of Eighth Amendment excessive force claims based solely on the *de minimis* nature of the injuries is erroneous. *Id.* at 40.

A previous panel recognized a possible tension between *Siglar* and *Wilkins*. *See Thomas v. Nino*, No. 23-40385, 2024 WL 4039743, at *2 (5th Cir. Sept. 4, 2024) (per curiam) (unpublished) (recognizing tension but declining to answer because the dismissal could be affirmed on other grounds).[4] On

[4] *See also Johnson v. Reyna*, 57 F.4th 769, 775–77 (10th Cir. 2023) (collecting cases across circuits both before and after *Wilkins* requiring a more than *de minimis* injury but declining to address "whether a de minimis injury or physical pain alone would satisfy § 1997e(e)"); *Pierre v. Padgett*, 808 F. App'x 838, 843 (11th Cir. 2020) (per curiam) (holding that the Eleventh Circuit's interpretation of PLRA's injury requirement—as necessitating a more than *de minimis* physical injury—was unaffected by *Wilkins*).

one hand, we look to Eighth Amendment jurisprudence to define the terms of § 1997e(e). *See Siglar*, 112 F.3d at 193. And that jurisprudence has followed *Wilkins* in moving away from looking at whether a harm is *de minimis* in determining the viability of excessive force claims. *See, e.g.*, *Harris v. Smith*, 482 F. App'x 929, 930 (5th Cir. 2012) (per curiam). On the other hand, *Wilkins* did not discuss the PLRA. And the PLRA's explicit requirement of a "physical injury" means, in some cases, we *must* still decide excessive force claims based on "the extent of the injury," *Wilkins*, 559 U.S. at 34, because where there is *no* physical injury, a claim for emotional or mental injury must certainly fail under the PLRA. *Accord Johnson v. Reyna*, 57 F.4th 769, 776–77 (10th Cir. 2023) (recognizing the requirement for a physical injury).

However, we need not resolve any tension here, because assuming a more than *de minimis* injury is required, it was improper for the district court to dismiss on the facts alleged. To begin, Morris's description of his injury as "minor" does not allow the conclusion that it was *per se de minimis*. *Cf. Baldwin v. Stalder*, 137 F.3d 836, 840 (5th Cir. 1998) (noting that a magistrate judge's conclusion that an injury was "minor" was not equivalent to finding an injury "*de minimis*"). Additionally, Morris alleges he required treatment for his facial injuries and the officers involved immediately recognized the need to take him to the medical unit. *See Gomez v. Chandler*, 163 F.3d 921, 924 (5th Cir. 1999) (distinguishing "cuts, scrapes, [and] contusions" from the *de minimis* ear bruising in *Siglar* in part because the plaintiff had to receive medical treatment); *Edwards v. Stewart*, 37 F. App'x 90, 90 (5th Cir. 2002) (per curiam) (unpublished table decision) (holding the plaintiff's "cuts to his fingers and thumb, headache, neck pain, and lacerations to the ear" for which he received medical treatment were not *de minimis*). Therefore, the district court erred in dismissing Morris's claims based only on the magistrate judge's observation that Morris described his injury as minor. Finally, Morris also requested punitive damages—which are not barred by § 1997e(e). *See*

*Hutchins v. McDaniels*, 512 F.3d 193, 197–98 (5th Cir. 2007) (per curiam). Therefore, the district court further erred by dismissing Morris's claims without addressing punitive damages.[5]

## IV

For the reasons stated above, we REVERSE the district court's dismissal of the case and REMAND for proceedings consistent with this opinion.

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[5] Morris also argues that § 1997e(e) bars only compensatory damages for mental or emotional injuries without a physical injury, but not compensatory damages for a *de minimis* physical injury. Because we hold Morris sufficiently alleged a more than *de minimis* injury, we need not address this argument.