

2005) (citing Collins v. Cundy, 603 F.2d 825, 827 (10th Cir. 1979)); Johnson v. Laham, 9 F.3d 1543 (4th Cir. 1993). The Constitution does not “protect against all intrusions on one’s peace of mind.” Pittsley v. Warish, 927 F.2d 3, 7 (1st Cir. 1991). The law is clear that “mere threatening language and gestures of a custodial officer do not, even if true, amount to constitutional violations.” Morrison v. Martin, 755 F. Supp. 683, 687 (E.D.N.C. 1990) (citing Coyle v. Hughs, 436 F. Supp. 591, 593 (W.D. Okla. 1977)); Emmons v. McLaughlin, 874 F.2d 351, 353 (6th Cir. 1989). Saunders does not allege that either of the defendants made any physical contact with him. Saunders’ allegations of harassment, therefore, are insufficient to state a plausible federal claim under § 1983. See Wilder v. Payne, No. 2:14cv24, 2014 U.S. Dist. LEXIS 166761, at *11, 2014 WL 6772265, at *7 (N.D.W. Va. Oct. 28, 2014) (collecting cases and holding that “circuit courts consistently have held that sexual harassment, absent contact or touching, does not satisfy the objective requirement [of the Eighth Amendment] because such conduct does not constitute the unnecessary and wanton infliction of pain”); Jones v. Harris, 665 F. Supp. 2d 384, 396 (S.D.N.Y. 2009) (“Several district courts have considered the issue, and have held that verbal sexual harassment of a prisoner, without physical contact, does not violate the Eighth Amendment.”) (collecting cases). Accordingly, the court will dismiss Saunders’s complaint under 28 U.S.C. § 1915A(b)(1) for failure to state a claim.

ENTERED this 1st day of October, 2020.



HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE