

United States Court of Appeals
For the Eighth Circuit

No. 20-2082

Shane William Johnson

Plaintiff - Appellant

v.

Unknown Grisham, C/O; Unknown Shultz, Lt. of Jail; Unknown Kelly, Nurse

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: September 16, 2020

Filed: October 20, 2020

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Shane Johnson appeals the preservice dismissal of his complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2). This court previously affirmed the dismissal of Johnson's claims against Lieutenant Schultz and Nurse Kelley. After careful review of the remaining claims against Correctional Officer Grisham, we cannot say, at this stage of the proceedings, that the allegations against Grisham have no arguable basis

in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989). Accordingly, we reverse the preservice dismissal of the claims against Grisham, and remand to the district court for issuance of service of process against Grisham, resolution of the motion to compel and for further proceedings as appropriate.
