

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT ASHLAND

Carlton T. Gallman v. Amanda Phipps, et al.

Gallman · No. 25-12-DLB-CJS · Decided February 10, 2026

SUMMARY

This Order and Report and Recommendation addresses motions in a pro se prisoner civil rights action concerning alleged inadequate medical treatment, disability accommodations, and related claims against Kentucky correctional officials and Wellpath LLC. The court recommends denying Wellpath’s motions to dismiss without prejudice and denying as moot the plaintiff’s motion for injunctive relief concerning medication-assisted treatment. It also denies the plaintiff’s other pending motions, including a request to deem discovery responses admitted under Federal Rule of Civil Procedure 36.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Ashland
WRITING FOR THE COURT	Candace J. Smith
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Ashland
DECIDED	February 10, 2026
DOCKET	25-12-DLB-CJS
DISPOSITION	other
PROCEDURAL POSTURE	A magistrate judge issued an Order and Report and Recommendation addressing Wellpath LLC's motions to dismiss, the plaintiff's motion for preliminary injunctive relief, several other motions, and a motion to deem requests for admission admitted under Federal Rule of Civil Procedure 36(a)(3).
STANDARD OF REVIEW	De novo review by the district judge of timely specific objections to the magistrate judge's proposed findings and recommendations under 28 U.S.C. § 636(b)(1)(B); the court also applied the Federal Rule of Civil Procedure 12 and Rule 36 standards to the motions before it.
PRECEDENTIAL VALUE	unpublished

PARTIES

Carlton T. Gallman v. Amanda Phipps, Karrington Gullett, Whitney Wilson, Wellpath LLC, Cookie Crews

TOPICS

motions to dismiss

discovery dispute

prisoners rights

section 1983

bankruptcy

PRACTICE AREAS

civil rights

civil procedure

bankruptcy

prisoner litigation

disability discrimination

QUESTIONS PRESENTED

1. Whether Wellpath's motions to dismiss should be denied without prejudice when they failed to identify the applicable Rule 12 ground and relied on an extrinsic bankruptcy confirmation plan without adequately explaining its application.
2. Whether Gallman's request for preliminary injunctive relief concerning medication-assisted treatment was moot after the requested treatment was provided.
3. Whether responses to requests for admission should be deemed admitted under Federal Rule of Civil Procedure 36(a)(3), or whether any resulting admissions should be withdrawn under Rule 36(b), where responses were sent to an incorrect facility but discovery remained open.
4. Whether Gallman's other motions should be denied for failure to state particularized relief or because the requested status inquiry was premature and could be pursued through discovery.

HOLDINGS

1. Wellpath's motions to dismiss should be denied without prejudice because they failed to identify the Rule 12 basis for dismissal, were filed after an answer limiting the availability of certain Rule 12 defenses, and relied on the bankruptcy confirmation plan without adequately explaining the relevant provisions or their application to Gallman's claims.
2. Gallman's motion for preliminary injunctive relief concerning medication-assisted treatment should be denied as moot because the requested treatment had been provided.
3. Gallman's motion to deem the Wellpath defendants' discovery responses admitted should be denied because, even assuming the responses were untimely due to being sent to an incorrect facility, withdrawal or amendment of any resulting admissions would promote resolution on the merits and would not prejudice Gallman while discovery remained open.

KEY QUOTATIONS

“Requests for admissions are not a general discovery device.” (§ II.B)

“A district court has considerable discretion over whether to permit withdrawal or amendment of admissions.” (§ II.B)

“Within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file specific written objections to any or all findings or recommendations for determination, de novo, by the District Judge.” (Conclusion)

FACTUAL BACKGROUND

Gallman, a state prisoner, alleged that medical providers and Wellpath LLC failed to properly treat serious conditions including endocarditis, osteomyelitis, and drug addiction, and that Kentucky Department of Corrections officials failed to provide medically necessary treatment and disability accommodations. Wellpath filed motions to dismiss relying on its Chapter 11 bankruptcy confirmation plan and discharge, but the motions did not identify a Federal Rule of Civil Procedure 12 ground or explain the relevant plan provisions. Gallman sought MAT-related injunctive relief, but acknowledged that treatment had been provided, rendering that request moot. He also sought to have discovery responses deemed admitted after responses to requests for admission were allegedly sent to an incorrect facility.

PROCEDURAL HISTORY

Gallman filed a pro se prisoner civil-rights action under 42 U.S.C. § 1983 and later filed an amended complaint alleging inadequate medical treatment, deliberate indifference, equal-protection violations, negligence, and ADA violations. The amended complaint survived preliminary screening, the defendants answered, and the case was referred to the magistrate judge for pretrial proceedings and recommendations on dispositive motions. Wellpath then filed motions to dismiss based principally on its Chapter 11 bankruptcy confirmation plan and discharge; Gallman's request for MAT-related injunctive relief became moot after treatment was provided. The magistrate judge denied Gallman's nondispositive motions and recommended denying Wellpath's motions without prejudice and denying the MAT motion as moot.

DISPOSITION

other

CASES CITED

- Watts v. Logan, No. 0:25-CV-10-DLB, R. 36 at Page ID 578 therein (E.D. Ky. Jan. 13, 2026)
- McNulty v. Arctic Glacier, Inc., No. 08-CV-13178, 2016 WL 465490, at *10 (E.D. Mich. Feb. 8, 2016)
- Hunter v. Kerstein, No. 4:24-CV-00562-DPM-JJV, 2025 WL 3548893, at *1-*2 (E.D. Ark. Oct. 28, 2025)
- Minges v. Cnty. of Berrien, No. 1:23-CV-01308, 2025 WL 3528895, at *2 n.3 (W.D. Mich. Nov. 5, 2025)
- Gregory v. M.D.O.C., No. CV 23-11957, 2025 WL 2466029, at *4 (E.D. Mich. Aug. 26, 2025)
- Dassault Systemes, SA v. Childress, No. 09-10534, 2013 WL 12181775, at *6 (E.D. Mich. Sept. 5, 2013)
- Riley v. Kurtz, 194 F.3d 1313, 1999 WL 801560, at *3 (6th Cir. 1999)
- Kerry Steel, Inc. v. Paragon Indus., Inc., 106 F.3d 147, 154 (6th Cir. 1997)
- Shepard Claims Serv., Inc. v. William Darrah & Assocs., 796 F.2d 190, 193 (6th Cir. 1986)
- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981)

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