

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Hodges v. Curtain

Civil Action No. 25-15356 (ZNQ) (RLS) (D.N.J. Dec. 1, 2025) · No. Civil Action No. 25-15356 (ZNQ) (RLS) ·
Decided December 1, 2025

SUMMARY

The United States District Court for the District of New Jersey grants Kevin Hodges’s application to proceed in forma pauperis and screens his complaint under 28 U.S.C. § 1915(e)(2)(B). The court dismisses without prejudice his claims under 42 U.S.C. § 1983 and the Eighth Amendment, concluding that alleged medical misdiagnosis and negligence do not establish deliberate indifference and that the private physician was not alleged to be acting under color of state law. The court declines supplemental jurisdiction over the medical-malpractice claim, denies appointed counsel, and grants leave to amend within thirty days.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Zahid N. Quraishi
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 1, 2025
DOCKET	Civil Action No. 25-15356 (ZNQ) (RLS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil complaint asserting a federal civil-rights claim and a state-law medical-malpractice claim, together with an application to proceed in forma pauperis and a motion for appointment of counsel. After granting in forma pauperis status, the court screened the complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) standard during mandatory screening under 28 U.S.C. § 1915(e)(2) (B): factual allegations are accepted as true and reasonable inferences are drawn for the plaintiff, but legal conclusions are not accepted as factual allegations. The complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Kevin Hodges v. Andrew Curtain, M.D.

TOPICS

section 1983

medical malpractice

civil rights

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

medical malpractice

federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's allegations that a physician misdiagnosed and mistreated his back injury stated a plausible deliberate-indifference claim under 42 U.S.C. § 1983 and the Eighth Amendment.
2. Whether the complaint alleged that Defendant acted under color of state law when Defendant was a physician employed by a private hospital.
3. Whether the court should exercise supplemental jurisdiction over Plaintiff's state-law medical-malpractice claim after dismissing the federal claim.
4. Whether Plaintiff's motion for appointment of counsel should be granted after dismissal of the complaint.

HOLDINGS

1. Allegations amounting to medical negligence, including a misdiagnosis and resulting mistreatment, do not state a § 1983 deliberate-indifference claim because deliberate indifference requires more than negligence.
2. The complaint failed to state a § 1983 claim because it alleged no facts showing that the private physician's conduct was fairly attributable to the state.
3. After dismissing the sole claim within its original jurisdiction, the court declined supplemental jurisdiction over the state-law medical-malpractice claim and dismissed it without prejudice to refiling in state court.
4. The motion for appointment of counsel was denied in light of dismissal of the complaint.

KEY QUOTATIONS

“Deliberate indifference is a “subjective standard of liability consistent with recklessness” which will be found only where the defendant “knows of and disregards an excessive risk to inmate health or safety.”” (III)

“Here, Plaintiff asserts what essentially amounts to a garden variety case of medical negligence – a misdiagnosis and resulting mistreatment of his back injury.” (III)

“Such allegations, however, are insufficient to state a claim for relief under § 1983 and the Eighth Amendment.” (III)

“As Plaintiff has pled no facts which would support the inference that the sole named Defendant was acting under color of state law, and as he appears instead to be a private physician employed at a private hospital, Plaintiff’s complaint would fail to state a plausible claim for relief for that reason as well.” (III)

FACTUAL BACKGROUND

Plaintiff, a convicted state prisoner, alleged that he suffered a fall in April 2021 and was treated by Defendant, a physician employed at a private hospital, in summer 2021. Plaintiff alleged that Defendant misdiagnosed his back injury as a herniated disc, after which Plaintiff became paralyzed in October 2021; later examination revealed a partially broken spine and spinal-cord compression requiring surgery. Plaintiff asserted deliberate-indifference and medical-malpractice claims, alleging that he discovered the problem by reviewing medical records in July 2023.

PROCEDURAL HISTORY

The United States District Court for the District of New Jersey granted Plaintiff's application to proceed in forma pauperis, screened the complaint sua sponte, and dismissed the federal claim for failure to state a claim. The court declined supplemental jurisdiction over the medical-malpractice claim, dismissed that claim without prejudice to refiling in state court, denied the motion for appointed counsel, and granted leave to amend within thirty days.

DISPOSITION

dismissed

CASES CITED

- Schreane v. Seana, 506 F. App'x 120, 122
- Allah v. Seiverling, 229 F.3d 220, 223
- Phillips v. Cnty. of Allegheny, 515 F.3d 224, 228
- Papasan v. Allain, 478 U.S. 265, 286
- Ashcroft v. Iqbal, 556 U.S. 662, 678
- Bell Atlantic v. Twombly, 550 U.S. 544, 555, 557, 570
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245
- Natale v. Camden County Corr. Facility, 318 F.3d 575, 581-82
- King v. Cnty. of Gloucester, 302 F. App'x 92, 96
- Monmouth Cnty. Corr. Inst. Inmates v. Lanzaro, 834 F.2d 326, 347, cert denied, 486 U.S. 1006 (1988)
- Hairston v. Director Bureau of Prisons, 563 F. App'x 893, 895
- White v. Napoleon, 897 F.2d 103, 110
- Andrews v. Camden Cnty., 95 F. Supp. 2d 217, 228 (D.N.J.)
- Great W. Mining & Mineral Co. v. Fox Rothschild LLP, 615 F.3d 159, 175-76
- Turner v. Children's Hosp. of Philadelphia, 378 F. App'x 124, 126

- Stone v. Martin, 720 F. App'x 132, 136

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