

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Larry Allen Young, Jr. v. D. Ball, et al.

Young v. Ball · No. 7:25-cv-00589 · Decided April 27, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed without prejudice Larry Allen Young Jr.’s 42 U.S.C. § 1983 claim alleging deliberate indifference to an Eighth Amendment medical need. The court held that alleged toenail fungus did not constitute an objectively serious medical need and that the disagreement over treatment did not establish deliberate indifference. The court also concluded that the defendants’ handling of Young’s grievances did not support § 1983 liability.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Pamela Meade Sargent
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	April 27, 2026
DOCKET	7:25-cv-00589
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that prison officials violated the Eighth Amendment by denying or inadequately providing medical treatment for toenail fungus and by mishandling his prison grievances. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court examined the legal sufficiency of the allegations on the face of the complaint, accepted well-pleaded factual allegations as true, viewed them in the light most favorable to the plaintiff, and liberally construed the pro se complaint.
PRECEDENTIAL VALUE	nonprecedential district-court memorandum opinion
PARTIES	Larry Allen Young, Jr. v. D. Ball, E. Whited, H. Harr

TOPICS

prisoners rights

cruel and unusual punishment

section 1983

motions to dismiss

civil procedure

PRACTICE AREAS

Prisoner civil rights

Constitutional law

Federal civil procedure

QUESTIONS PRESENTED

1. Whether Young adequately pleaded that his toenail fungus constituted a serious medical need under the Eighth Amendment.
2. Whether Young adequately pleaded that nurse practitioner D. Ball acted with deliberate indifference by prescribing topical treatment rather than oral medication or surgical nail removal.
3. Whether Young adequately pleaded an Eighth Amendment claim against E. Whited and H. Harr based on their handling of his prison grievances.
4. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. The complaint failed to allege that Young's toenail fungus was an objectively serious medical need because the allegations did not show a condition placing him at a substantial risk of serious harm, usually loss of life or permanent disability, or a condition for which lack of treatment perpetuated severe pain.
2. Young failed to allege that Ball acted with deliberate indifference because the complaint did not allege facts showing that Ball actually knew of and disregarded an objectively serious medical need.
3. Young failed to state an Eighth Amendment claim against Whited or Harr based on their handling of his administrative remedies because inmates have no constitutionally protected right to a grievance procedure and prison officials are not liable under § 1983 merely for responding to or mishandling an administrative-remedies request.
4. The court granted defendants' motion to dismiss and dismissed Young's claim without prejudice for failure to state a claim.

KEY QUOTATIONS

“The complaint must contain “more than labels and conclusions” or a “formulaic recitation of the elements of a cause of action,” and it must allege facts specific enough to raise a right to relief above the speculative level.” (at 4)

“In essence, treatment rendered must be so grossly incompetent or inadequate as to shock the conscience or to be intolerable to fundamental fairness.” (at 5)

“Inmates do not have a constitutionally protected right to a grievance procedure.” (at 7)

FACTUAL BACKGROUND

Young, a Virginia Department of Corrections prisoner, alleged that he sought treatment for severe toenail fungus on two toes. Nurse practitioner D. Ball prescribed a topical cream, declined Young's requests for oral medication or surgical removal of the damaged nails, and later discontinued the cream after Young reported no improvement. Young also alleged that E. Whited and grievance coordinator H. Harr mishandled his written complaint and regular grievance, preventing or impairing exhaustion of administrative remedies.

PROCEDURAL HISTORY

Young's original complaint asserted claims against numerous defendants. The court severed Claim 2 into this separate action by order entered August 22, 2025. Defendants moved to dismiss, and the court granted the motion and dismissed the claim without prejudice for failure to state a claim.

DISPOSITION

dismissed

CASES CITED

- Edwards v. City of Goldsboro, 178 F.3d 231, 243 (4th Cir. 1999)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Estelle v. Gamble, 429 U.S. 97, 103-08 (1976)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990)
- Williams v. Benjamin, 77 F.3d 756, 761 (4th Cir. 1996)
- Miltier v. Beorn, Miltier v. Beorn, 896 F.2d 848, 851, 854 (4th Cir. 1990)
- Farmer v. Brennan, 511 U.S. 825, 832-35, 837, 844-45 (1994)
- Rich v. Bruce, 129 F.3d 336, 340 n.2 (4th Cir. 1997)
- Sosebee v. Murphy, 797 F.2d 179, 182-83 (4th Cir. 1986)
- Loe v. Armistead, 582 F.2d 1291, 1296-97 (4th Cir. 1978)
- Rush v. VanDevander, 2008 WL 495651, at *1 (W.D. Va. Feb. 21, 2008)
- Jennings v. Al-Dabagh, 97 F. App'x 548, 550 (6th Cir. 2004)
- Reyes v. Wenderlich, 2018 U.S. Dist. LEXIS 38207, at *20 (W.D.N.Y. Mar. 7, 2018)
- Baker v. Sanford, 2016 U.S. Dist. LEXIS 123315, at *31-32 (S.D. Fla. June 28, 2016)
- Watson v. Weldon, 2000 U.S. Dist. LEXIS 11109, at *9 (D.S.C. Jan. 12, 2000)
- Brown v. Harris, 240 F.3d 383, 390-91 (4th Cir. 2001)
- Ellis v. Feinberg, 2015 U.S. Dist. LEXIS 165206, at *6, *11-12 (E.D. Cal. Dec. 9, 2015)
- Adams v. Rice, 40 F.3d 72, 75 (4th Cir. 1994)
- Brown v. Va. Dep't of Corrs., 2009 U.S. Dist. LEXIS 3022, at *49 (W.D. Va. Jan. 9, 2009)

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