

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Richard Haywood Graham III v. Northeast Ohio Correctional
Center

Graham v. Northeast Ohio Correctional Center · No. 4:24-cv-1468 · Decided April 10, 2026

SUMMARY

The United States District Court for the Northern District of Ohio granted Northeast Ohio Correctional Center’s motion to dismiss a pro se prisoner’s claims arising from alleged excessive force, inadequate medical care, and segregation confinement. The court held that NEOCC is a non-jural entity under Ohio law and that it was not acting under color of state law because it housed a federal pretrial detainee. The court further concluded that Bivens remedies do not extend to private prisons or their employees, dismissed the claims with prejudice, and denied the plaintiff’s motion for production of documentation as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Benita Y. Pearson
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	April 10, 2026
DOCKET	4:24-cv-1468
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 concerning alleged unlawful confinement, excessive force, and inadequate medical care during federal pretrial detention. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and plaintiff moved for production of documentation.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and construes them in the plaintiff’s favor, but need not accept legal conclusions. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Richard Haywood Graham III v. Northeast Ohio Correctional Center

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QUESTIONS PRESENTED

1. Whether Northeast Ohio Correctional Center is a suable entity under Ohio law.
2. Whether NEOCC could be liable under 42 U.S.C. § 1983 for conduct occurring while it housed a federal pretrial detainee.
3. Whether the plaintiff's claims could proceed under Bivens against a private prison facility or its employees.
4. Whether the plaintiff's motion for production of documentation remained viable after dismissal of the complaint.

HOLDINGS

1. NEOCC is a non-jural entity that lacks capacity to sue or be sued under Ohio law; therefore, the claims against it fail to state a claim.
2. NEOCC could not be liable under § 1983 because, while housing federal pretrial detainees, it was not acting under color of state law.
3. The claims could not proceed under Bivens against NEOCC, its private corporate owner, or privately employed prison personnel.

KEY QUOTATIONS

“Because NEOCC is not sui juris, Plaintiff’s claims are dismissed for failure to state a claim upon which relief may be granted.” (PageID #: 82)

“Because NEOCC was not acting under color of state law, Plaintiff cannot succeed on his § 1983 claim.” (PageID #: 83)

“The Supreme Court has expressly declined to extend Bivens remedies to private entities operating private federal prisons.” (PageID #: 83)

“All claims against Defendant are dismissed with prejudice.” (Conclusion)

FACTUAL BACKGROUND

Richard Haywood Graham III alleged that, while detained at NEOCC as a federal pretrial detainee, correctional staff assaulted him, used oleoresin capsicum spray, confined him in segregation, and denied or mishandled medical treatment. He alleged injuries including a knee wound, skin irritation, swollen eyes, high blood pressure, and low oxygen levels. He named only Northeast Ohio Correctional Center as the defendant and asserted claims under 42 U.S.C. § 1983.

PROCEDURAL HISTORY

Plaintiff filed the action against Northeast Ohio Correctional Center. Defendant moved to dismiss, arguing that NEOCC is a non-jural entity, is not a state actor for purposes of § 1983, and could not be sued under Bivens even if the claims were construed under that doctrine. Plaintiff did not respond. The court granted the motion to dismiss, dismissed all claims with prejudice, and denied plaintiff's motion for production as moot.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Urban Necessities 1 Stop Shop, LLC v. City of Cleveland, No. 1:22-cv-2014, 2023 WL 6383825, at *2 (N.D. Ohio Sept. 29, 2023)
- Mollette v. Portsmouth City Council, 169 Ohio App. 3d 557, 559 (Ohio Ct. App. 2006)
- Foster v. Ne. Ohio Corr. Ctr., No. 4:25-cv-295, 2025 WL 2299331, at *3 (N.D. Ohio Aug. 8, 2025)
- Picone v. United States Marshal Serv., No. 4:15cv2033, 2016 WL 5118303, at *3 (N.D. Ohio Sept. 21, 2016)
- Dimora v. Ne. Ohio Corr. Ctr., No. 4:14cv1221, 2015 WL 1119768, at *3 (N.D. Ohio Mar. 11, 2015)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982)
- Bishawi v. Ne. Ohio Corr. Ctr., 628 F. App'x 339, 342 (6th Cir. 2014)
- Ayon v. Ne. Ohio Corr. Ctr., 478 F. App'x 999, 1000 (6th Cir. 2012)
- Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388, 392 (1971)
- Robertson v. Lucas, 753 F.3d 606, 614 (6th Cir. 2014)
- Wilkie v. Robbins, 551 U.S. 537, 550 (2007)
- Bush v. Lucas, 462 U.S. 367, 378 (1983)
- Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 70-71 (2001)
- F.D.I.C. v. Meyer, 510 U.S. 471, 473-74 (1994)
- Minneci v. Pollard, 565 U.S. 118, 131 (2012)

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