

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA, NORTHERN DIVISION

Korey Devon Harmon v. Dr. Rahming

Harmon v. Rahming, No. 2:25-CV-143-WKW, slip op. (M.D. Ala. Mar. 31, 2026) · No. 2:25-CV-143-WKW ·  
Decided March 31, 2026

SUMMARY

The court considers an inmate’s 42 U.S.C. § 1983 claims against a prison physician arising from tuberculosis diagnosis, treatment, and medical-unit confinement. The court grants the defendant’s motion for summary judgment on the federal claims, concluding that the plaintiff failed to establish Eighth Amendment deliberate indifference and that his disagreement with medical treatment did not establish a constitutional violation. The court also declines supplemental jurisdiction over the plaintiff’s state-law claims.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Alabama,<br>Northern Division                                                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | W. Keith Watkins                                                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Middle District of Alabama,<br>Northern Division                                                                                                                                                                                                                                                                                                                                    |
| DECIDED               | March 31, 2026                                                                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 2:25-CV-143-WKW                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Plaintiff brought a pro se action under 42 U.S.C. § 1983 and asserted related Alabama-law claims. Defendant moved to dismiss or alternatively for summary judgment; the court construed the motion as one for summary judgment and ruled on the evidentiary record.                                                                                                                                                      |
| STANDARD OF REVIEW    | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views evidence and reasonable inferences in the light most favorable to the nonmovant, but unsupported factual allegations, mere conclusions, and self-serving statements contradicted by contemporaneous medical records do not create a genuine dispute. |
| PRECEDENTIAL VALUE    | unpublished district-court memorandum opinion                                                                                                                                                                                                                                                                                                                                                                            |

## TOPICS

section 1983

prisoners rights

summary judgment

due process

civil rights

## PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

federal civil procedure

medical negligence

## QUESTIONS PRESENTED

1. Whether Defendant was deliberately indifferent to Harmon's serious medical needs in violation of the Eighth Amendment by diagnosing and treating him for tuberculosis and confining him in restrictive housing.
2. Whether the alleged involuntary tuberculosis treatment and related confinement violated Harmon's substantive or procedural due process rights under the Fourteenth Amendment.
3. Whether the court should exercise supplemental jurisdiction over Harmon's Alabama-law claims after granting summary judgment on the federal claims.

## HOLDINGS

1. Harmon failed to establish an objectively sufficiently serious deprivation or that Defendant was actually and subjectively aware that treating him for tuberculosis created a substantial risk of serious harm. His disagreement with the diagnosis and treatment, and his unsupported assertion that treatment caused H. pylori, amounted at most to negligence or medical malpractice and did not establish deliberate indifference.
2. Even assuming Harmon had a substantive due process right to refuse tuberculosis treatment, the prison's compelling interest in preventing the spread of tuberculosis outweighed that right. His procedural due process claim also failed because immediate treatment and isolation were reasonable without a prior hearing when Harmon's safety and the safety of other inmates were at stake.
3. The court declined to exercise supplemental jurisdiction over Harmon's remaining state-law claims after disposing of all claims within its original federal-question jurisdiction and dismissed the state-law claims without prejudice.

## KEY QUOTATIONS

*“To succeed on a motion for summary judgment, the moving party must demonstrate that “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” (III)*

*“To establish liability on a deliberate indifference claim, a plaintiff must demonstrate that: (1) [he] suffered a deprivation that was objectively[,] ‘sufficiently serious,’ and (2) the defendant acted with ‘subjective recklessness as used in the criminal law.’” (V.A)*

*“Here, even if it is assumed that Plaintiff has a substantive due process right to refuse TB treatment, the compelling interest of Defendant, along with other prison officials and medical staff, in preventing the spread of TB within prisons outweighs this right.” (V.B)*

## FACTUAL BACKGROUND

While incarcerated, Harmon tested positive on a purified protein derivative test, had chest-x-ray findings showing right-lung abnormalities and pleural effusion, and later had a positive T-spot test. Prison medical personnel isolated him, evaluated him for tuberculosis, diagnosed active pulmonary tuberculosis, and administered a multidrug RIPE regimen under protocol. Harmon contended that he did not have tuberculosis, that the treatment caused H. pylori and other injuries, and that his isolation and forced treatment violated the Eighth and Fourteenth Amendments. The medical records showed improvement, completion of tuberculosis treatment, and later treatment for abdominal complaints and a positive H. pylori antibody test, although the court noted that the antibody result alone did not conclusively establish an H. pylori infection.

## PROCEDURAL HISTORY

Harmon alleged that prison medical staff improperly diagnosed and treated him for tuberculosis, caused an H. pylori infection, confined him in the medical unit, and violated his constitutional and state-law rights. After considering the complaint, Plaintiff's declaration, Defendant's declaration, medical records, and briefing, the court granted summary judgment on the federal claims and declined supplemental jurisdiction over the state-law claims, dismissing those claims without prejudice.

## DISPOSITION

other

## CASES CITED

- Mize v. Jefferson City Bd. of Educ., 93 F.3d 739, 742 (11th Cir. 1996)
- Jean-Baptiste v. Gutierrez, 627 F.3d 816, 820 (11th Cir. 2010)
- Ellis v. England, 432 F.3d 1321, 1326 (11th Cir. 2005) (per curiam)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Beaubrun v. Dodge State Prison, 2025 WL 2490396, at \*3 (11th Cir. Aug. 29, 2025) (per curiam)
- Estelle v. Gamble, 429 U.S. 97, 104-06 (1976)
- Bailey v. Lopez-Rivera, 2026 WL 161319, at \*2 (11th Cir. Jan. 21, 2026) (per curiam)
- Wingo v. WellStar Health Sys., Inc., 160 F.4th 1184, 1190-91 (11th Cir. 2025)
- Wade v. McDade, 106 F.4th 1251, 1262 (11th Cir. 2024) (en banc)
- McElligott v. Foley, 182 F.3d 1248, 1255 (11th Cir. 1999)
- Hamm v. DeKalb Cnty., 774 F.2d 1567, 1575 (11th Cir. 1985)
- Whitehead v. Burnside, 403 F. App'x 401, 403 (11th Cir. 2010) (per curiam)
- Combs v. Nelson, 419 F. App'x 884, 885 (11th Cir. 2011) (per curiam)

- Truss v. Warden, 684 F. App'x 794, 795 (11th Cir. 2017) (per curiam)
- Zinermom v. Burch, 494 U.S. 113, 125 (1990)
- Washington v. Glucksberg, 521 U.S. 702, 721 (1997)
- Washington v. Harper, 494 U.S. 210, 234, 236 (1990)
- McCormick v. Stalder, 105 F.3d 1059, 1061-62 (5th Cir. 1997)
- Motley v. Taylor, 451 F. Supp. 3d 1251, 1292 (M.D. Ala. 2020)
- Dixon v. Love, 431 U.S. 105, 114-15 (1977)
- Cummings v. Ellsworth Corr. Facility, 511 F. App'x 808, 812 (10th Cir. 2013)
- Barrett v. Warden, 2010 WL 3222110, at \*2 (S.D. Fla. July 15, 2010)
- Dunn v. Zenk, 2007 WL 2904170, at \*2-3 (N.D. Ga. Oct. 1, 2007)
- Washington v. Cambria, 1998 WL 840946 (9th Cir. 1998)
- Bravo v. Loor-Tuarez, 727 F. App'x 572, 576-77 (11th Cir. 2018)
- Pintando v. Miami-Dade Hous. Agency, 501 F.3d 1241, 142-43 (11th Cir. 2007) (per curiam)
- Baggett v. First Nat'l Bank of Gainesville, 117 F.3d 1342, 1353 (11th Cir. 1997)
- Raney v. Allstate Ins. Co., 370 F.3d 1086, 1088-89 (11th Cir. 2004) (per curiam)