

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Victor L. Jordan, Sr. v. Colleen Gallagher, et al.

Jordan · No. 3:24-cv-01694 (VAB) · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Connecticut ruled on Defendants’ motion to dismiss Victor L. Jordan, Sr.’s claims arising from alleged unconstitutional prison medical care and retaliation. The court dismissed all claims against Warden Reis after injunctive relief was dismissed, but allowed the Eighth Amendment deliberate-indifference claims against Colleen Gallagher, Dr. Gloria Perry, and Captain Blackstock and the First Amendment retaliation claim against Dr. Perry to proceed. The motion to dismiss was therefore granted in part and denied in part.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Connecticut                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Victor A. Bolden                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the District of Connecticut                                                                                                                                                                                                                    |
| DECIDED               | December 19, 2025                                                                                                                                                                                                                                                               |
| DOCKET                | 3:24-cv-01694 (VAB)                                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a pro se sentenced inmate's claims under the Eighth and First Amendments.                                                                                                                            |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court applies the plausibility standard, accepts factual allegations as true, views them in the light most favorable to the plaintiff, and generally limits review to the complaint, attached exhibits, and documents incorporated by reference. |
| PRECEDENTIAL VALUE    | unpublished district court opinion                                                                                                                                                                                                                                              |
| PARTIES               | Victor L. Jordan, Sr. v. Colleen Gallagher, Dr. Gloria Perry, Captain Blackstock, Warden Reis                                                                                                                                                                                   |

TOPICS

- motions to dismiss
- prisoners rights
- civil rights
- first amendment
- cruel and unusual punishment

## PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

## QUESTIONS PRESENTED

1. Whether the remaining Eighth Amendment deliberate-indifference claims against Gallagher, Perry, and Blackstock plausibly stated claims for relief.
2. Whether Jordan's First Amendment retaliation claim against Perry plausibly alleged protected conduct, adverse action, and causation.
3. Whether the prior-pending action doctrine required dismissal of the remaining damages claims.
4. Whether qualified immunity could be applied at the motion-to-dismiss stage on the grounds asserted by defendants.
5. Whether dismissal of the injunctive-relief claim required dismissal of the official-capacity claim against Warden Reis.

## HOLDINGS

1. The complaint plausibly stated Eighth Amendment deliberate-indifference claims against Gallagher, Perry, and Blackstock, so dismissal under Rule 12(b)(6) was denied.
2. The First Amendment retaliation claim against Perry plausibly stated a claim, and dismissal was denied.
3. The remaining damages claims were not dismissed under the prior-pending action doctrine.
4. The court declined to apply qualified immunity at that time because defendants' motion presented a procedural mismatch.
5. Because the request for injunctive relief had been dismissed, the remaining official-capacity claim against Warden Reis was dismissed.

## KEY QUOTATIONS

*“Deliberate indifference is a mental state equivalent to subjective recklessness, as the term is used in criminal law.”* (Discussion § III.B)

*“advancing qualified immunity as grounds for a motion to dismiss is almost always a procedural mismatch.”* (Discussion § III.D)

*“Defendants’ motion to dismiss, ECF No. 27, is GRANTED in part and DENIED in part.”* (Conclusion)

## FACTUAL BACKGROUND

Jordan, a sentenced inmate at Cheshire Correctional Institution, alleged that prison officials were deliberately indifferent to serious medical needs and that Dr. Perry retaliated against him for protected conduct. The initial review order allowed damages claims against Gallagher, Perry, and Blackstock and injunctive relief against Warden Reis. The court had denied Jordan's requested emergency injunctive relief concerning dental care because it duplicated relief sought in a separate action.

## PROCEDURAL HISTORY

Jordan filed the complaint on October 23, 2024. After initial review, the court permitted damages claims against Gallagher, Perry, and Blackstock in their individual capacities for alleged Eighth Amendment deliberate indifference, a damages claim against Perry for First Amendment retaliation, and official-capacity injunctive relief against Warden Reis. The court later denied Jordan's emergency motion for a temporary restraining order and preliminary injunction as duplicative of relief sought in another action. Defendants then moved to dismiss, and the court granted the motion in part as to Reis and denied it as to the remaining defendants and claims.

## DISPOSITION

other

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Arista Records LLC v. Doe 3, 604 F.3d 110, 120 (2d Cir. 2010)
- Turkmen v. Ashcroft, 589 F.3d 542, 546 (2d Cir. 2009)
- Cohen v. S.A.C. Trading Corp., 711 F.3d 353, 359 (2d Cir. 2013)
- York v. Ass'n of the Bar of the City of New York, 286 F.3d 122, 125 (2d Cir. 2002)
- McCarthy v. Dun & Bradstreet Corp., 482 F.3d 184, 191 (2d Cir. 2007)
- Spavone v. N.Y. State Dep't of Corr. Servs., 719 F.3d 127, 138 (2d Cir. 2013)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Hathaway v. Coughlin, 37 F.3d 63, 66 (2d Cir. 1994), cert. denied sub nom. Foote v. Hathaway, 513 U.S. 1154 (1995)
- Valdiviezo v. Boyer, 752 F. App'x 29, 32 (2d Cir. 2018)
- Salahuddin v. Goord, 467 F.3d 263, 280 (2d Cir. 2006)
- Kravitz v. Purcell, 87 F.4th 111, 119, 122 (2d Cir. 2023)
- Chance v. Armstrong, 143 F.3d 698, 702-03 (2d Cir. 1998)
- Farmer v. Brennan, 511 U.S. 825, 836-37 (1994)
- Alicea v. Yang, No. 22-1482, 2023 WL 5994211, at \*1 (2d Cir. Sept. 15, 2023)
- Pearson v. Gesner, 125 F.4th 400, 408-09 (2d Cir. 2025)
- Sonterra Cap. Master Fund Ltd. v. UBS AG, 954 F.3d 529, 534-35 (2d Cir. 2020)
- Todd v. Exxon Corp., 275 F.3d 191, 203 (2d Cir. 2001)
- Tangreti v. Bachmann, 983 F.3d 609 (2d Cir. 2020)
- Anderson v. Quiros, No. 3:24-CV-00408 (SVN), 2025 WL 2734580, at \*6 (D. Conn. Sept. 25, 2025)
- Burns v. Martuscello, 890 F.3d 77, 84 (2d Cir. 2018)
- Dolan v. Connolly, 794 F.3d 290, 294 (2d Cir. 2015)
- Davis v. Goord, 320 F.3d 346, 354 (2d Cir. 2003)

- Sabir v. Williams, 52 F.4th 51, 64 (2d Cir. 2022)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 n.10 (1989)

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