

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Kelvin Dowell v. Nurse David Kent Mathis, et al.

No. 1:22-cv-01009-JDB-jay (W.D. Tenn. Jan. 6, 2026) · No. 1:22-cv-01009-JDB-jay · Decided January 6, 2026

SUMMARY

The United States District Court for the Western District of Tennessee considers Leslie Jones’s Rule 12(b)(6) motion to dismiss Kelvin Dowell’s Second Amended Complaint. Dowell alleges that Jones, a prison health administrator, was deliberately indifferent to his serious medical needs in violation of the Eighth Amendment by failing to ensure timely antibiotics, surgery, and appropriate treatment. The court concludes that Jones’s alleged responses and referrals do not demonstrate the required subjective deliberate indifference and grants the motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	January 6, 2026
DOCKET	1:22-cv-01009-JDB-jay
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Leslie Jones moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff’s second amended complaint alleging that Jones violated the Eighth Amendment through deliberate indifference to serious medical needs under 42 U.S.C. § 1983.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the claimant is entitled to offer evidence supporting the claims, accepts well-pleaded factual allegations as true, views the complaint in the light most favorable to the plaintiff, and asks whether the allegations state a facially plausible claim for relief. Pro se pleadings are held to less stringent standards than formal pleadings drafted by lawyers.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only

TOPICS

section 1983 prisoners rights cruel and unusual punishment motions to dismiss civil procedure

PRACTICE AREAS

civil rights constitutional law prisoner litigation civil procedure health law

QUESTIONS PRESENTED

1. Whether Dowell plausibly alleged that Leslie Jones acted with deliberate indifference to a serious medical need in violation of the Eighth Amendment and 42 U.S.C. § 1983.
2. Whether Jones's responses to Dowell's requests and grievances, including a delayed or absent response to one request, supported liability for abandoning her role as Health Administrator.
3. Whether Dowell's disagreement with the adequacy of treatment and Jones's referral of his complaints to medical personnel stated an Eighth Amendment claim.

HOLDINGS

1. Dowell failed to plead facts showing that Jones knowingly and consciously disregarded a substantial risk to his health. His allegations therefore did not state a plausible Eighth Amendment deliberate-indifference claim against Jones.
2. Jones's alleged failure to respond to the December 15 request form did not, in the context of the allegations, establish deliberate indifference.
3. Dowell's disagreement with the adequacy of treatment and Jones's referral of his complaints to Dr. Fowler did not constitute deliberate indifference.
4. Dowell did not plausibly allege that Jones abandoned her role in a manner that resulted in a direct violation of his Eighth Amendment rights.

KEY QUOTATIONS

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." (Section II)

"The Eighth Amendment 'forbids prison officials from 'unnecessarily and wantonly inflicting pain' on an inmate by acting with 'deliberate indifference' toward [his] serious medical needs.'" (Section III.b)

"Deliberate indifference requires more than mere negligence, more than even medical malpractice. It requires something akin to criminal recklessness." (Section III.b.iii)

"For the reasons stated above, the Court finds that Plaintiff has not stated an Eighth Amendment deliberate indifference claim under § 1983 as to Jones." (Conclusion)

FACTUAL BACKGROUND

Dowell, an incarcerated person, experienced severe abdominal and gastrointestinal problems beginning in November 2020, including a ruptured appendix, abscess, infection, constipation, pain, bloody stool, and later

megacolon. He alleged repeated delays and interruptions in antibiotics, surgery, medical appointments, and treatment, and asserted that Health Administrator Leslie Jones failed to ensure follow-up treatment, failed to correct a prescription involving lactulose, did not respond to one request, referred a grievance to Dr. Fowler, and later helped facilitate a colonoscopy. The court treated the allegations as true for purposes of the motion but concluded that Jones responded to Dowell's requests and grievances and did not consciously disregard a substantial risk to his health.

PROCEDURAL HISTORY

Dowell filed a pro se § 1983 complaint on January 13, 2022. After an amended complaint was dismissed without prejudice, Dowell filed the operative second amended complaint; part of that pleading was later dismissed with prejudice, leaving Leslie Jones and Dr. Mark Fowler as defendants. Jones moved to dismiss, Dowell responded, and Jones replied. The court granted Jones's motion to dismiss the claims against her.

DISPOSITION

dismissed

CASES CITED

- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 511 (2002)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Ammex, Inc. v. McDowell, 24 F.4th 1072, 1079 (6th Cir. 2022)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Tenn. Valley Auth. v. Fire Star Energy Res., LLC, 749 F. Supp. 3d 918, 921 (E.D. Tenn. 2024)
- Total Benefits Plan. Agency, Inc. v. Anthem Blue Cross & Blue Shield, 552 F.3d 430, 433 (6th Cir. 2008)
- Metro Government of Nashville & Davidson County v. Federal Emergency Management Agency, No. 3:22-CV-540, 2024 WL 1337189, at *3 (M.D. Tenn. Mar. 28, 2024)
- Herhold v. Green Tree Servicing, LLC, 608 F. App'x 328, 331 (6th Cir. 2015)
- Trzebuckowski v. City of Cleveland, 319 F.3d 853, 855 (6th Cir. 2003)
- Edwards v. Tennessee Valley Federal Credit Union, No. 1:23-cv-233, 2024 WL 2981180, at *3 (E.D. Tenn. June 13, 2024)
- Lewis Lumber & Milling, Inc. v. Mereen-Johnson, LLC, No. 3:17-CV-00643, 2018 WL 6181356, at *2 (M.D. Tenn. Nov. 27, 2018)
- Gavitt v. Born, 835 F.3d 623, 640 (6th Cir. 2016)
- Kreipke v. Wayne State University, 807 F.3d 768, 774 (6th Cir. 2015)
- Bassett v. National Collegiate Athletic Association, 528 F.3d 426, 430 (6th Cir. 2008)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- Littler v. Ohio Association of Public School Employees, 88 F.4th 1176, 1180 (6th Cir. 2023)
- Wilson v. Williams, 961 F.3d 829, 839 (6th Cir. 2020)
- Helling v. McKinney, 509 U.S. 25, 31, 36 (1993)

- Blackmore v. Kalamazoo County, 390 F.3d 890, 895 (6th Cir. 2004)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Roberts v. City of Troy, 773 F.2d 720, 723 (6th Cir. 1985)
- Farmer v. Brennan, 511 U.S. 825, 834-35, 837, 842, 844 (1994)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Brown v. Bargery, 207 F.3d 863, 867 (6th Cir. 2000)
- Westmoreland v. Butler County, 29 F.4th 721, 726-27 (6th Cir. 2022)
- Dominguez v. Correctional Medical Services, 555 F.3d 543, 546-51 (6th Cir. 2009)
- Grinter v. Knight, 532 F.3d 567, 576 (6th Cir. 2008)
- Hempstead v. Parker, No. 3:21-CV-417-TAV-DCP, 2023 WL 4280679, at *9-*10 (E.D. Tenn. June 29, 2023)
- Westlake v. Lucas, 537 F.2d 857, 860 n.5 (6th Cir. 1976)
- Selby v. Martin, 84 F. App'x 496, 499 (6th Cir. 2003)
- Miller v. Calhoun County, 408 F.3d 803, 819 (6th Cir. 2005)
- Terrance v. Northville Regional Psychiatric Hospital, 286 F.3d 834, 838-40, 843, 846-47 (6th Cir. 2002)
- Darrah v. Krisher, 865 F.3d 361, 371 (6th Cir. 2017)

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