

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Cordero Riley v. Clayton County, Georgia, et al.

Riley · No. 1:24-cv-1567-MLB · Decided March 4, 2026

SUMMARY

The United States District Court for the Northern District of Georgia considers motions arising from Cordero Riley’s claims concerning an assault and allegedly inadequate medical care during his confinement in the Clayton County jail. The court denies Riley’s motion for judicial notice, concludes that he plausibly alleged deliberate indifference to dangerous conditions of confinement against Interim Sheriff Roland Boehrer and Major Brandon Criss, and denies qualified immunity at the motion-to-dismiss stage. The opinion also addresses Officer Williams’s motion to dismiss Riley’s failure-to-intervene and related state-law claims, but the provided text ends before that analysis is completed.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Michael L. Brown
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	March 4, 2026
DOCKET	1:24-cv-1567-MLB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's second amended complaint asserted claims under 42 U.S.C. § 1983 and Georgia law arising from an assault and alleged inadequate medical care in the Clayton County jail. Defendants moved to dismiss under Rule 12(b)(6), Plaintiff moved for judicial notice and to add parties and claims, and the court resolved the motions in part.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and draws reasonable inferences in the plaintiff's favor, but the complaint must contain sufficient factual matter to state a plausible claim for relief. Qualified immunity and Eleventh Amendment immunity were also assessed under the standards governing those defenses.

PRECEDENTIAL VALUE	Unpublished federal district court opinion; generally persuasive rather than binding beyond the case.
PARTIES	Cordero Riley v. Clayton County, Georgia, Roland Boehrer, Levon Allen, Brandon Criss, Stokes Williams, CorrectHealth, et al.

TOPICS

[section 1983](#)
[qualified immunity](#)
[eleventh amendment immunity](#)
[motions to dismiss](#)
[municipal liability](#)

PRACTICE AREAS

[civil rights](#)
[constitutional law](#)
[civil procedure](#)
[municipal law](#)
[corrections law](#)

QUESTIONS PRESENTED

1. Whether Riley plausibly alleged that Interim Sheriff Roland Boehrer and Major Brandon Criss were deliberately indifferent to dangerous conditions of confinement and therefore were not entitled to qualified immunity at the motion-to-dismiss stage.
2. Whether Officer Stokes Williams was entitled to qualified immunity on Riley's federal failure-to-intervene claim.
3. Whether Georgia official immunity barred Riley's state-law claims against Officer Williams for failure to intervene and failure to monitor inmates.
4. Whether Eleventh Amendment immunity barred official-capacity claims against Sheriff Levon Allen concerning jail conditions and medical-care policies.
5. Whether Clayton County could be liable under Monell for alleged jail-maintenance and medical-care customs.
6. Whether the court should take judicial notice of allegations contained in a separate verified complaint.
7. Whether Riley's motion to add parties and claims should proceed immediately or be stayed.

HOLDINGS

1. A court may take judicial notice of the existence of filings in another action, but it may not judicially notice disputed allegations in those filings for the truth of the matters asserted. Riley's motion for judicial notice was therefore denied.
2. Riley plausibly alleged that Boehrer and Criss violated his Fourteenth Amendment rights by being deliberately indifferent to a generalized, substantial risk of serious harm from dangerous jail conditions, and the alleged right was clearly established. They were not entitled to qualified immunity at the motion-to-dismiss stage.
3. Officer Williams was acting within his discretionary authority while supervising inmates, but Riley failed to show that Williams violated a clearly established constitutional right. Count 11 was dismissed.

4. Officer Williams did not carry his burden to show that official immunity barred Count 12, which alleged a ministerial duty to stop unauthorized inmate movement and the assault. Count 12 may proceed.
5. Officer Williams was entitled to Georgia official immunity on Count 13 because the cited standard operating procedure did not plausibly apply to his assignment and was too general to create a ministerial duty. Count 13 was dismissed.
6. Sheriff Allen was entitled to Eleventh Amendment immunity on official-capacity claims concerning jail-maintenance policies, dangerous conditions of confinement, and selection of a medical-care provider. Counts 1, 2, and 15 were dismissed without prejudice.
7. Clayton County could not be held liable under § 1983 for the alleged sheriff's-office custom of deliberate indifference to jail maintenance because the County lacked direct control over the Sheriff in administering and maintaining the jail. Count 1 was dismissed as to the County.
8. Riley failed to plausibly allege that CorrectHealth maintained a custom of deliberate indifference based on his single alleged incident of inadequate medical care. Count 15 was dismissed as to Clayton County.
9. The claims for punitive damages and attorney's fees were dismissed as derivative of the dismissed claims against Sheriff Allen and Clayton County, but remained viable against Boehrer, Criss, and Williams because underlying claims against those defendants survived in part.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a ‘short and plain statement of the claim showing that the pleader is entitled to relief.’” (at 4)

“A jailer “may not escape liability merely by showing that he [or she] did not know the claimant was likely to be assaulted” or that “a specific inmate would commit an assault.”” (at 17)

“it was clearly established in this Circuit [at the time of the case] that it is an unreasonable response for an official to do nothing when confronted with prison conditions—like the conditions alleged in this case—that pose a risk of serious physical harm to inmates.” (at 20)

“The Court concludes both that Plaintiff has failed to allege plausibly the procedure at issue in Count 13 applied to Officer Williams’s conduct on the night in question and that SOP 4.06 is too general to create a “simple, absolute, and definite” duty.” (at 35)

“local governments [such as counties] can never be liable under § 1983 for the acts of those [officials] whom the local government has no authority to control.” (at 42)

“A single incident of a constitutional violation is insufficient to prove a policy or custom.” (at 46)

FACTUAL BACKGROUND

Riley spent six days in the Clayton County jail beginning April 19, 2022. He was housed in a maximum-security unit where, according to the complaint, broken or rigged cell locks, understaffing, overcrowding, inadequate supervision, and inmate violence allowed several inmates to enter his cell and beat him unconscious. Jail medical staff allegedly treated his complaints of breathing difficulty and suspected broken ribs and collapsed lung only with Motrin and ice, and he was diagnosed with serious chest injuries after release.

PROCEDURAL HISTORY

Riley initially sued 39 defendants. The court dismissed his amended complaint as a shotgun pleading, after which Riley filed a second amended complaint. In this opinion, the court denied judicial notice, dismissed Clayton County and Sheriff Allen, dismissed Counts 11 and 13 against Officer Williams, allowed Count 12 against Williams to proceed, allowed Count 2 against Boehrер and Criss to proceed, and stayed the motion to add parties pending a hearing.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 667-78 (2009)
- Bryant v. Avado Brands, Inc., 187 F.3d 1271, 1273 n.1 (11th Cir. 1999)
- Shahar v. Bowers, 120 F.3d 211, 214 (11th Cir. 1997)
- O'Neal v. Allstate Indem. Ins. Co. Inc., 2021 WL 4852222, at *5 (11th Cir. Oct. 19, 2021)
- United States v. Jones, 29 F.3d 1549, 1553 (11th Cir. 1994)
- Sherrod v. Johnson, 667 F.3d 1359, 1363 (11th Cir. 2012)
- Ashcroft v. al-Kidd, 563 U.S. 731, 743 (2011)
- Skop v. City of Atlanta, 485 F.3d 1130, 1136 (11th Cir. 2007)
- Chandler v. Crosby, 379 F.3d 1278, 1289 (11th Cir. 2004)
- Helling v. McKinney, 509 U.S. 25, 33 (1993)
- Hale v. Tallapoosa County, 50 F.3d 1579, 1580-85 (11th Cir. 1995)
- Farmer v. Brennan, 511 U.S. 825, 837, 844 (1994)
- Goodman v. Kimbrough, 718 F.3d 1325, 1331 (11th Cir. 2013)
- Marsh v. Butler County, Ala., 268 F.3d 1014, 1023, 1029, 1034 (11th Cir. 2001)
- Gates v. Khokhar, 884 F.3d 1290, 1296, 1302 (11th Cir. 2018)
- White v. Pauly, 580 U.S. 73, 79 (2017)
- Myrick v. Fulton County, Georgia, 69 F.4th 1277, 1296, 1300 (11th Cir. 2023)
- Coffin v. Brandau, 642 F.3d 999, 1013 (11th Cir. 2011)
- Merricks v. Adkisson, 785 F.3d 553, 559 (11th Cir. 2015)
- Youmans v. Gagnon, 626 F.3d 557, 563 (11th Cir. 2010)
- Hope v. Pelzer, 536 U.S. 730, 741 (2002)
- Hollomon ex rel. Hollomon v. Harland, 370 F.3d 1252, 1265 (11th Cir. 2004)
- Howard v. Gee, 538 F. App'x 884, 887 (11th Cir. 2013)
- Searcy v. R.J. Reynolds Tobacco Co., 902 F.3d 1342, 1355 n.5 (11th Cir. 2018)
- Pearson v. Callahan, 555 U.S. 223, 236 (2009)
- Peterson v. Baker, 504 F.3d 1331, 1339 (11th Cir. 2007)

- Bailey v. Wheeler, 843 F.3d 473, 485-86 (11th Cir. 2016)
- Murphy v. Bajjani, 647 S.E.2d 54, 57 (Ga. 2007)
- Brantley v. Jones, 871 S.E.2d 87, 92, 96 (Ga. Ct. App. 2022)
- Kelly v. Lewis, 471 S.E.2d 583, 586 (Ga. Ct. App. 1996)
- Howell v. Willis, 729 S.E.2d 643, 647 (Ga. Ct. App. 2012)
- Roper v. Greenway, 751 S.E.2d 351, 353 (Ga. 2013)
- Lundy v. Hancock County, 890 S.E.2d 92, 99 (Ga. Ct. App. 2023)
- Clark v. Prison Health Services, Inc., 572 S.E.2d 342, 348 (Ga. Ct. App. 2002)
- Manders v. Lee, 338 F.3d 1304, 1308, 1312, 1315 (11th Cir. 2003)
- Andrews v. Biggers, 996 F.3d 1235, 1236-43 (11th Cir. 2021)
- Holloway v. Pritchett, 2024 WL 5701788 (N.D. Ga. Aug. 8, 2024)
- Boyd v. Nichols, 616 F. Supp. 2d 1331, 1343 (M.D. Ga. 2009)
- McDaniel v. S. Corr. Med. LLC, 2024 WL 4471063, at *4 (11th Cir. Oct. 11, 2024)
- Quern v. Jordan, 440 U.S. 332, 345 (1979)
- Carr v. City of Florence, Alabama, 916 F.2d 1521, 1525 (11th Cir. 1990)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Grech v. Clayton County, Ga., 335 F.3d 1326, 1329-32 (11th Cir. 2003)
- Nimmons v. Gwinnett County, Ga., 2014 WL 4230914, at *3 (N.D. Ga. Aug. 25, 2014)
- Youngs v. Johnson, 2008 WL 4816731, at *9 (M.D. Ga. Oct. 30, 2008)
- Robinson v. Houston County, 2010 WL 2464901, at *8 (M.D. Ga. June 14, 2010)
- Turner v. Williams, 65 F.4th 564, 584 n.27 (11th Cir. 2023)
- Connick v. Thompson, 563 U.S. 51, 63 n.7 (2011)
- Craig v. Floyd County, Ga., 643 F.3d 1306, 1311-12 (11th Cir. 2011)
- Scala v. City of Winter Park, 116 F.3d 1396, 1399 (11th Cir. 1997)
- Howell v. Evans, 922 F.2d 712, 724 (11th Cir. 1991)
- Popham v. Landmark American Insurance Co., 798 S.E.2d 257, 264 (Ga. Ct. App. 2017)
- Dupree v. Owens, 92 F.4th 999, 1008 (11th Cir. 2024)