

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA, ERIE DIVISION

Jerome Keon Gardley v. Wexford Health Services, et al.

Gardley · No. 1:23-CV-00821-RAL · Decided March 27, 2026

SUMMARY

The opinion addresses a pro se pretrial detainee’s claims alleging inadequate dental care and related malpractice arising from treatment at the Erie County Prison. The court concludes that the allegations do not establish deliberate indifference under the Fourteenth Amendment, do not support Monell liability against Wexford Health Services, and do not state a viable § 1983 claim against the private hospital physician. The federal claims are dismissed without prejudice, the court declines supplemental jurisdiction over the state-law claims, and the plaintiff is granted leave to amend.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania, Erie Division
WRITING FOR THE COURT	Richard A. Lanzillo
JURISDICTION	United States District Court for the Western District of Pennsylvania, Erie Division
DECIDED	March 27, 2026
DOCKET	1:23-CV-00821-RAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Li, Kohler, and Wexford moved to dismiss a pro se prisoner's complaint under Federal Rule of Civil Procedure 12(b)(6). The court also addressed claims against an unidentified physician and declined supplemental jurisdiction over the asserted state-law claims.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court assessed the legal sufficiency of the complaint, accepted well-pleaded factual allegations as true, viewed them in the light most favorable to the plaintiff, and determined whether the complaint stated a plausible claim for relief. Because Gardley proceeded pro se, the pleading was construed under less stringent standards.
PRECEDENTIAL VALUE	Unknown

PARTIES

Jerome Keon Gardley v. Wexford Health Services, Joseph Kohler, D.M.D., Kang Li, P.A., John Doe physician

TOPICS

section 1983 prisoners rights motions to dismiss medical malpractice subject matter jurisdiction

PRACTICE AREAS

civil rights prisoner medical care constitutional litigation civil procedure medical malpractice

QUESTIONS PRESENTED

1. Whether Gardley plausibly alleged that Kohler and Li acted with deliberate indifference to a serious medical need in violation of the Fourteenth Amendment.
2. Whether Gardley plausibly alleged a § 1983 Monell claim against Wexford based on a policy, custom, or practice.
3. Whether the unidentified private emergency-room physician was subject to liability under § 1983 as a state actor.
4. Whether the court should exercise supplemental jurisdiction over Gardley's state-law claims after dismissing all federal claims.
5. Whether Gardley should be granted leave to amend.

HOLDINGS

1. The complaint failed to state a constitutional claim because it alleged, at most, disagreement with treatment choices, misdiagnosis, negligence, or medical malpractice, without facts supporting deliberate indifference.
2. The complaint failed to state a § 1983 claim against Wexford because it did not identify a Wexford policy, custom, or practice that caused an underlying constitutional violation.
3. The constitutional claim against the unidentified emergency-room physician failed because the complaint identified the physician as a private physician, not a state actor.
4. The court declined to exercise supplemental jurisdiction over the medical malpractice, medical negligence, and intentional-infliction-of-emotional-distress claims after dismissing all claims within its original jurisdiction.
5. Gardley was granted leave to file an amended complaint because amendment was not clearly futile.

KEY QUOTATIONS

“Therefore, where a dispute in essence entails nothing more than a disagreement between an inmate and doctors over alternate treatment plans, the inmate’s complaint will fail as a constitutional claim under § 1983.” (10)

“In other words, the plaintiff must plead both that 1] “there was a relevant [Wexford] policy or custom, and that the policy caused the constitutional violation.”” (12)

“Private citizens, on the other hand, “do not act under color of state law” and thus “are not liable under Section 1983.”” (13)

FACTUAL BACKGROUND

Gardley was a pretrial detainee at Erie County Prison who complained of severe dental and jaw pain, underwent extraction of three teeth, and later received various medications, antibiotics, examinations, and an emergency-room referral. He alleged that providers misdiagnosed or delayed treatment of an infection that was later identified as MRSA and that Wexford was deliberately indifferent through misdiagnosis and delayed treatment. He also alleged that a private emergency-room physician violated his constitutional rights and asserted state-law medical and emotional-distress claims.

PROCEDURAL HISTORY

Gardley filed a § 1983 action alleging constitutionally inadequate dental care while he was a pretrial detainee at Erie County Prison, along with state-law malpractice, negligence, and intentional-infliction-of-emotional-distress claims. The motion to dismiss was fully briefed. The court dismissed the federal claims without prejudice, dismissed the state-law claims without prejudice for lack of an exercised basis for supplemental jurisdiction, and granted leave to amend.

DISPOSITION

dismissed

CASES CITED

- Kost v. Kozakiewicz, 1 F.3d 176, 183 (3d Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- U.S. Express Lines Ltd. v. Higgins, 281 F.3d 388, 388 (3d Cir. 2002)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- California Public Employees' Retirement System v. The Chubb Corp., 394 F.3d 126, 143 (3d Cir. 2004)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Boag v. MacDougall, 454 U.S. 364 (1982)
- United States ex rel. Montgomery v. Bierley, 141 F.2d 552, 555 (3d Cir. 1969)
- Hubbard v. Taylor, 399 F.3d 150, 158 (3d Cir. 2005)
- Bell v. Wolfish, 441 U.S. 520, 535-36 (1979)
- Natale v. Camden County Correctional Facility, 318 F.3d 575, 581-84 (3d Cir. 2003)
- Pearson v. Prison Health Service, 850 F.3d 526, 535 (3d Cir. 2017)
- Durmer v. O'Carroll, 991 F.2d 64, 67-68 (3d Cir. 1993)

- *White v. Napoleon*, 897 F.2d 103, 109 (3d Cir. 1990)
- *Anderson v. Bickell*, 2018 WL 5778241, at *2 (3d Cir. Nov. 2, 2018)
- *Tillery v. Noel*, 2018 WL 3521212, at *5 (M.D. Pa. June 28, 2018)
- *Woodson v. Sheesley*, 2023 WL 12077722, at *5-*7 (W.D. Pa. Sept. 25, 2023)
- *Gause v. Diguglielmo*, 339 F. App'x 132 (3d Cir. 2009)
- *Hensley v. Collins*, 2018 WL 4233021, at *3 (W.D. Pa. Aug. 15, 2018)
- *Foye v. Wexford Health Sources, Inc.*, 675 F. App'x 210, 215 (3d Cir. 2017)
- *Rhines v. Bledsoe*, 388 F. App'x 225, 227 (3d Cir. 2010)
- *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1024-25 (7th Cir. 1996)
- *Lair v. Oglesby*, 859 F.2d 605, 606 (8th Cir. 1988)
- *Stewart v. Pennsylvania Department of Corrections*, 877 F. App'x 816, 820 (3d Cir. 2017)
- *Rouse v. Plantier*, 182 F.3d 192, 197 (3d Cir. 1999)
- *Imhoff v. Tamas*, 67 F. Supp. 3d 700, 710 (W.D. Pa. 2014)
- *Jiminez v. All American Rathskeller, Inc.*, 503 F.3d 247, 249 (3d Cir. 2007)
- *Lansberry v. Altoona Area School District*, 356 F. Supp. 3d 486, 497 (W.D. Pa. 2018)
- *Kach v. Hose*, 589 F.3d 626, 646 (3d Cir. 2009)
- *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 378 (1994)
- *Neelu Pal v. Jersey City Medical Center*, 658 F. App'x 68, 74 n.6 (3d Cir. 2016)
- *Yue Yu v. McGrath*, 597 F. App'x 62, 68 (3d Cir. 2014)
- *Grayson v. Mayview State Hospital*, 293 F.3d 103, 108 (3d Cir. 2002)
- *Alston v. Parker*, 363 F.3d 229, 235 (3d Cir. 2004)
- *Williams v. Ferdarko*, 2018 WL 3653272, at *1 (W.D. Pa. Aug. 1, 2018)
- *Young v. Keohane*, 809 F. Supp. 1185, 1189 (M.D. Pa. 1992)