

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

**Tyrone Norwood v. Karina Diaz, Erik Lowery, Kelly Devinney,
Jane/John Doe, Monroe Hudson, Terra Taylor, Robert May, Stacie
Hollis, and Brian Emig**

Norwood · No. 1:24-cv-01141-CFC · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Delaware granted in part a Rule 12(b)(6) motion filed by medical defendants in Tyrone Norwood’s § 1983 action concerning alleged medical-care deficiencies, retaliation, and removal from a mental-health treatment program. The court dismissed with prejudice the claims against Diaz, Lowery, and Devinney based on conduct before August 16, 2024, dismissed the retaliation claims with prejudice, dismissed the post-August 16 claims against Diaz with prejudice, and dismissed the remaining post-August 16 claims against Lowery and Devinney without prejudice to amendment. The court declined supplemental jurisdiction over the state-law supervisory-liability claims.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Colm F. Connolly
JURISDICTION	United States District Court for the District of Delaware
DECIDED	March 26, 2026
DOCKET	1:24-cv-01141-CFC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Karina Diaz, Erik Lowery, Kelly Devinney, and Lori Lemon moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a pro se prisoner's complaint asserting claims under 42 U.S.C. § 1983 and state tort law. The court had already dismissed all claims against Lemon with prejudice and ruled on the remaining defendants' motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true and views them in the light most favorable to the plaintiff, considering the complaint, incorporated documents, public records, and matters subject to judicial notice. A complaint must contain sufficient factual

	matter to state a facially plausible claim for relief. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Tyrone Norwood v. Karina Diaz, Erik Lowery, Kelly Devinney, Jane/John Doe, Monroe Hudson, Terra Taylor, Robert May, Stacie Hollis, Brian Emig

TOPICS

motions to dismiss

section 1983

prisoners rights

procedural due process

civil procedure

PRACTICE AREAS

Civil rights

Prisoner litigation

Federal civil procedure

Constitutional law

Health law

QUESTIONS PRESENTED

1. Whether Norwood plausibly pleaded § 1983 supervisory-liability claims against Diaz, Lowery, and Devinney based on alleged failure to protect, supervise, or train Lemon.
2. Whether Norwood plausibly pleaded § 1983 deliberate-indifference and procedural-due-process claims based on events occurring after August 16, 2024.
3. Whether Norwood plausibly pleaded a § 1983 retaliation claim based on his relationship with Lemon, the PREA investigation, or his alleged status as a victim of misconduct.
4. Whether the court should exercise supplemental jurisdiction over Norwood's state-law negligent hiring, supervision, and training claims after dismissing the federal claims.

HOLDINGS

1. Norwood failed to state a plausible deliberate-indifference claim against Diaz, Lowery, or Devinney for failure to protect, supervise, or train Lemon because he clarified that no sexual misconduct occurred between him and Lemon, eliminating the alleged underlying constitutional violation.
2. Norwood failed to state deliberate-indifference and procedural-due-process claims against Diaz because, after Centurion's contract with the Delaware Department of Correction ended on June 30, 2023, the complaint did not establish that Diaz was acting under color of state law at the relevant facility.
3. Norwood failed to state those claims as pleaded because he did not allege personal involvement by Lowery or Devinney in removing him from the mental-health program, restricting his communications, moving him, or disrupting his medications, but dismissal was without prejudice to amendment.
4. Norwood failed to state a retaliation claim because he clarified that he did not file the PREA complaint, that prison officials initiated the investigation, and that no sexual misconduct occurred with Lemon; consequently, the alleged conduct was not constitutionally protected.
5. The court declined to exercise supplemental jurisdiction over the state-law claims after dismissing all claims within its original federal-question jurisdiction.

KEY QUOTATIONS

“To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.” (at 5)

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (at 5)

“Absent the material allegations of Lemon’s misconduct, the Complaint does not contain “factual content that allows the court to draw the reasonable inference that [any other Medical] [D]efendant is liable for the misconduct alleged.”” (at 8)

“As a threshold matter, a prisoner-plaintiff in a retaliation case [under § 1983] must [allege] that the conduct which led to the alleged retaliation was constitutionally protected.” (at 13)

FACTUAL BACKGROUND

Norwood, an inmate at James T. Vaughn Correctional Center, alleged that he participated in a residential mental-health treatment program and required post-liver-transplant medications. He initially alleged misconduct involving a mental-health clinician, Lori Lemon, but later clarified that no sexual misconduct occurred and that prison officials—not Norwood—initiated the PREA investigation. After Lemon was barred from the facility, Norwood alleged that he was removed from the mental-health program, suffered restrictions on mail and telephone contacts, was moved between units, and experienced disruption of his transplant medications. He sued supervisory medical personnel and prison officials under § 1983 and asserted state tort claims.

PROCEDURAL HISTORY

Norwood filed a complaint seeking damages and injunctive relief based on alleged inadequate medical and mental-health care, supervisory liability, procedural due process violations, and retaliation. He voluntarily dismissed his claims against Lemon, and the court dismissed those claims with prejudice. The court granted the motion as to Diaz, Lowery, and Devinney, dismissing some federal claims with prejudice, dismissing other federal claims against Lowery and Devinney without prejudice to amendment, and declining supplemental jurisdiction over the state-law claims.

DISPOSITION

dismissed

CASES CITED

- Mayer v. Belichick, 605 F.3d 223, 230 (3d Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)

- Berk v. Rothman Institute Orthopedic Foundation, 2025 WL 1177253, at *3 (3d Cir. Apr. 23, 2025)
- Budhun v. Reading Hospital & Medical Center, 765 F.3d 245, 259 (3d Cir. 2014)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Rouse v. Plantier, 182 F.3d 192, 197 (3d Cir. 1999)
- Durham v. Kelley, 82 F.4th 217, 229 (3d Cir. 2023)
- Evancho v. Fisher, 423 F.3d 347, 353 (3d Cir. 2005)
- Robinson v. California, 370 U.S. 660, 667 (1962)
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 542 (1985)
- S. Allegheny Pittsburgh Restaurant Enterprises, LLC v. City of Pittsburgh, 806 F. App'x 134, 139 (3d Cir. 2020)
- Frederico v. Home Depot, 507 F.3d 188, 201-02 (3d Cir. 2007)
- Commonwealth of Pennsylvania ex rel. Zimmerman v. PepsiCo, Inc., 836 F.2d 173, 181 (3d Cir. 1988)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Baraka v. McGreevey, 481 F.3d 187, 210 (3d Cir. 2007)
- Rauser v. Horn, 241 F.3d 330, 333 (3d Cir. 2001)
- Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Christie, 850 F. Supp. 2d 455 (D.N.J. 2012), aff'd sub nom. Ass'n N.J. Rifle & Pistol Clubs v. Governor of New Jersey, 707 F.3d 238 (3d Cir. 2013)

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