

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, CENTRAL DIVISION

Danny Foster v. Aundrea F. Culclager, Deputy Director, Health &
Correctional Program, et al.

Foster · No. 4:25-cv-00052-JJV · Decided March 10, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas grants summary judgment to prison medical providers in Danny Foster's Eighth Amendment claims concerning treatment for left shoulder pain and work restrictions. The court concludes that the providers regularly examined Foster, prescribed medications and exercises, provided an extra mattress, and imposed work restrictions, which did not demonstrate deliberate indifference. Foster's claims are dismissed with prejudice, the case is closed, and the court certifies that an in forma pauperis appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Central Division
WRITING FOR THE COURT	Joe J. Volpe
JURISDICTION	United States District Court for the Eastern District of Arkansas, Central Division
DECIDED	March 10, 2026
DOCKET	4:25-cv-00052-JJV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, an Arkansas prisoner proceeding under 42 U.S.C. § 1983, sued medical providers in their personal capacities for allegedly constitutionally inadequate treatment of shoulder pain and failure to impose appropriate work restrictions. After other claims and defendants were dismissed without prejudice, the remaining defendants moved for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when, viewing the record in the light most favorable to the nonmoving party, there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. On an Eighth Amendment medical-care claim,

	deliberate indifference requires more than negligence, gross negligence, or a mere disagreement with medical judgment.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Danny Foster v. Aundrea F. Culclager, Deputy Director, Health & Correctional Program, et al., James Smith, M.D., Guy Henry, M.D., David Fort, M.D.

TOPICS

prisoners rights

cruel and unusual punishment

section 1983

summary judgment

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

medical care liability

summary judgment

QUESTIONS PRESENTED

1. Whether the remaining defendants were deliberately indifferent to Foster's serious medical need in violation of the Eighth Amendment by providing conservative treatment, declining to order an MRI or surgery, and imposing work restrictions.
2. Whether summary judgment was appropriate where the record showed repeated examinations and treatment and Foster presented no contrary medical evidence.

HOLDINGS

1. The defendants did not act with deliberate indifference to Foster's shoulder condition because they repeatedly evaluated him, provided medications and other treatment, imposed work restrictions, and exercised medical judgment concerning diagnostic testing and conservative treatment.
2. Summary judgment was proper because there was no genuine dispute of material fact and Foster presented no evidence from which a reasonable jury could find deliberate indifference.

KEY QUOTATIONS

“Instead, to establish deliberate indifference, there must be evidence the defendants “recognized that a substantial risk of harm existed and knew that their conduct was inappropriate in light of that risk.”” (4)

“But the question whether an X-ray or additional diagnostic techniques or forms of treatment is indicated is a classic example of a matter for medical judgment.” (5)

FACTUAL BACKGROUND

Foster, an Arkansas prisoner, experienced left shoulder pain and reduced range of motion. Medical providers examined him repeatedly, ordered an x-ray that showed no abnormality, prescribed multiple pain medications, recommended or encouraged range-of-motion exercises, provided an extra mattress, and imposed or renewed a one-arm work restriction. Although one physician initially recommended an MRI, an alternative treatment plan

was approved, and the providers continued conservative treatment; Foster also failed to complete recommended exercises, ended one examination early, and refused another appointment.

PROCEDURAL HISTORY

Foster filed this action on January 21, 2025. The court previously dismissed all other claims and defendants without prejudice. The remaining defendants moved for summary judgment, Foster responded, and the court granted the motion, dismissed the inadequate-medical-care claims with prejudice, closed the case, and certified that an in forma pauperis appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Dantzler v. Baldwin, 133 F.4th 833, 843 (8th Cir. 2025)
- Cullor v. Baldwin, 830 F.3d 830, 836 (8th Cir. 2016)
- Jones v. Faulkner Cnty., 131 F.4th 869, 874 (8th Cir. 2025)
- Presson v. Reed, 65 F.4th 357, 366-67 (8th Cir. 2023)
- Hall v. Higgins, 77 F.4th 1171, 1179 (8th Cir. 2023)
- Langford v. Norris, 614 F.3d 445, 460 (8th Cir. 2010)
- Timothy Barr v. Rebecca Pearson, Barr v. Pearson, 909 F.3d 919, 921-22 (8th Cir. 2018)
- Shipp v. Murphy, 9 F.4th 694, 703 (8th Cir. 2021)
- Smith v. Lisenbe, 73 F.4th 596, 660 (8th Cir. 2023)
- Fourte v. Faulkner Cnty., 746 F.3d 384, 390 (8th Cir. 2014)
- Beck v. Skon, 253 F.3d 330, 333-34 (8th Cir. 2001)
- Gibson v. Weber, 433 F.3d 642, 646 (8th Cir. 2006)
- Cejvanovic v. Ludwick, 923 F.3d 503, 507-08 (8th Cir. 2019)
- Estelle v. Gamble, 429 U.S. 97, 107 (1976)
- Long v. Nix, 86 F.3d 761, 766 (8th Cir. 1996)
- White v. Farrier, 849 F.2d 322, 327 (8th Cir. 1988)
- Berwanger v. Harris, No. 23-2076, 2024 WL 3580322, at *2 (8th Cir. July 30, 2024)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Greater St. Louis Constr. Laborers Welfare Fund v. B.F.W. Contracting, LLC, 76 F.4th 753, 757 (8th Cir. 2023)