

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Luiz Diaz v. Emmanuel Akinyele, et al.

No. 3:23-cv-00236 (M.D. Tenn. May 7, 2026) · No. 3:23-cv-00236 · Decided May 7, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee adopts a magistrate judge’s report and recommendation in an Eighth Amendment deliberate-indifference action concerning treatment of the plaintiff’s foot condition while incarcerated. The court denies Plaintiff Luiz Diaz’s motion for summary judgment, grants Defendant Emmanuel Akinyele’s motion for summary judgment, dismisses the claims against Akinyele and Frank Strada, and directs the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Eli J. Richardson
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	May 7, 2026
DOCKET	3:23-cv-00236
DISPOSITION	other
PROCEDURAL POSTURE	After the magistrate judge recommended granting Defendant Akinyele's motion for summary judgment, denying Plaintiff's cross-motion for summary judgment, and dismissing the claims against Defendant Strada, the district court adopted the unobjected-to report and recommendation.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(b)(3), a district judge reviews de novo the portions of a magistrate judge's report and recommendation to which a proper objection is made. When no objection is filed, the court is not required to conduct de novo or independent review.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status unknown

PARTIES

Luiz Diaz v. Emmanuel Akinyele, Frank Strada

TOPICS

summary judgment

prisoners rights

cruel and unusual punishment

civil procedure

remedies

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the unobjected-to report and recommendation should be adopted under Federal Rule of Civil Procedure 72(b).
2. Whether Defendant Akinyele was entitled to summary judgment on Diaz's Eighth Amendment deliberate-indifference claim.
3. Whether Diaz's official-capacity claim for injunctive relief against Defendant Strada could continue after the claims against Akinyele were dismissed.

HOLDINGS

1. When no party files a proper objection to a magistrate judge's report and recommendation on a dispositive matter, the district court is not required to conduct de novo or independent review and may adopt the recommendation.
2. Defendant Akinyele's motion for summary judgment was granted, and Diaz's Eighth Amendment claim against him was dismissed.
3. The official-capacity claim against Strada for injunctive relief was dismissed because it depended on an entitlement to relief based on the claim against Akinyele, and the claim against Akinyele was dismissed.

KEY QUOTATIONS

"Absent objection, the R&R (Doc. No. 80) is adopted and approved."

"Accordingly, Plaintiff's Motion for Summary Judgment (Doc. No. 64) is DENIED, but Defendant Akinyele's Motion for Summary Judgment (Doc. No. 53) is GRANTED, resulting in the complaint being dismissed in its entirety."

FACTUAL BACKGROUND

Diaz, an inmate at Trowsdale Turner Correctional Center, was born with club feet and later experienced right-foot flat-foot deformity and recurring pain following a 2020 injury. He alleged that Nurse Akinyele refused or failed to provide requested treatment, medication, mobility aids, and additional evaluation during August and September 2021. Medical records showed examinations in which there was no swelling or discoloration, Diaz walked with a steady gait, prior x-rays were unremarkable, and Akinyele determined that corrective devices and prescription pain medication were not warranted at that time.

PROCEDURAL HISTORY

Diaz, a prisoner proceeding pro se, filed an action alleging deliberate indifference to serious medical needs under the Eighth Amendment against Nurse Emmanuel Akinyele and seeking injunctive relief against TDOC Commissioner Frank Strada in his official capacity. The district court permitted the Eighth Amendment claim to proceed against Akinyele and retained the official-capacity claim against Strada so that an appropriate state official would be available if injunctive relief were warranted. The parties filed cross-motions for summary judgment, and the magistrate judge recommended granting Akinyele's motion, denying Diaz's motion, and dismissing the action. No objections were filed, so the district court adopted the recommendation and directed entry of judgment.

DISPOSITION

other

CASES CITED

- *Frias v. Frias*, No. 2:18-CV-00076, 2019 WL 549506, at *2 (M.D. Tenn. Feb. 12, 2019)
- *Hart v. Bee Property Management, Inc.*, No. 18-CV-11851, 2019 WL 1242372, at *1 (E.D. Mich. Mar. 18, 2019)
- *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985)
- *Ashraf v. Adventist Health System/Sunbelt, Inc.*, 322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018)
- *Benson v. Walden Security*, No. 3:18-CV-00010, 2018 WL 6322332, at *3 (M.D. Tenn. Dec. 4, 2018)