

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

Luiz Diaz v. Emmanuel Akinyele, et al.

Diaz · No. 3:23-cv-236 · Decided April 17, 2026

SUMMARY

This Report and Recommendation addresses cross-motions for summary judgment in a 42 U.S.C. § 1983 action brought by prisoner Luis Diaz against a correctional-facility nurse and the Tennessee Department of Correction Commissioner. Diaz alleged that the nurse was deliberately indifferent to his serious medical needs by failing to provide adequate treatment for his right-foot condition. The magistrate judge recommended granting the nurse’s motion for summary judgment, denying Diaz’s motion, and dismissing the claims against the Commissioner.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Jeffery S. Frensley
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	April 17, 2026
DOCKET	3:23-cv-236
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendation on cross-motions for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983 alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views facts and reasonable inferences in the light most favorable to the nonmoving party, except when one version of events is blatantly contradicted by the record. Deliberate indifference requires both an objectively sufficiently serious medical need and a subjectively culpable state of mind in which the official knew of and disregarded an excessive risk to the inmate's health or safety.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Luiz Diaz v. Emmanuel Akinyele, Frank Strada

TOPICS

[section 1983](#)
[prisoners rights](#)
[cruel and unusual punishment](#)
[summary judgment](#)
[civil procedure](#)

PRACTICE AREAS

[civil rights](#)
[prisoner litigation](#)
[constitutional law](#)
[civil procedure](#)
[health law](#)

QUESTIONS PRESENTED

1. Whether the evidence established that Diaz's flat-foot condition was an objectively serious medical need for purposes of an Eighth Amendment deliberate-indifference claim.
2. Whether the evidence established that Nurse Akinyele subjectively knew of and disregarded an excessive risk to Diaz's health or safety.
3. Whether Diaz was entitled to summary judgment on his deliberate-indifference claim.
4. Whether the official-capacity claim against Commissioner Strada for injunctive relief should be dismissed after judgment was recommended for Akinyele.

HOLDINGS

1. The magistrate judge assumed, without deciding, that Diaz's flat feet could constitute an objectively serious medical condition and proceeded to the subjective component.
2. The evidence did not establish that Akinyele subjectively knew of and disregarded an excessive risk to Diaz's health or safety. Akinyele's examinations, medical observations, recommendation for follow-up, and medical judgment against prescribing additional treatment showed treatment and evaluation rather than deliberate indifference.
3. Diaz could not sustain an Eighth Amendment claim based on Akinyele's decision not to prescribe pain medication or corrective devices and his direction that Diaz obtain approved over-the-counter medication from the commissary, because Diaz was not indigent and the record showed that medical care was provided.

KEY QUOTATIONS

“Summary judgment is proper “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”” (at 9)

“An objectively serious medical condition is one that “has been diagnosed by a physician as mandating treatment or is so obvious that even a lay person would perceive the need for a doctor's attention.”” (at 10)

“When a prison doctor provides treatment, albeit carelessly or inefficaciously, to a prisoner, he has not displayed a deliberate indifference to the prisoner’s needs, but merely a degree of incompetence which does

not rise to the level of a constitutional violation.” (at 11)

“Indeed, “the Eighth Amendment does not require prison medical providers to provide inmates with unqualified access to health care. An inmate is entitled to adequate medical care, not the best care possible.”” (at 12)

FACTUAL BACKGROUND

Diaz, an inmate at Troupdale Turner Correctional Center, has congenital clubfoot and a later-diagnosed flat-foot condition affecting his right foot. He alleged that Akinyele refused or failed to provide prescription pain medication, mobility aids, and additional evaluation during encounters in August and September 2021. Medical records showed that Akinyele examined Diaz on August 12 and September 2, 2021, observed no swelling or discoloration, noted negative prior x-rays and a steady gait, and ordered follow-up with a physician. The record also showed that Diaz was not indigent and could obtain approved over-the-counter medication through the commissary.

PROCEDURAL HISTORY

Diaz filed a fee-paid, pro se amended complaint against Emmanuel Akinyele in his individual capacity and Frank Strada, the Tennessee Department of Correction Commissioner, in his official capacity. On initial review, the district judge allowed a deliberate-indifference claim against Akinyele and an official-capacity claim for injunctive relief against Strada to proceed. The parties then filed cross-motions for summary judgment. The magistrate judge recommended granting Akinyele's motion, denying Diaz's motion, and dismissing the claim against Strada.

DISPOSITION

other

CASES CITED

- *Ciminillo v. Streicher*, 434 F. 3d 461, 464 (6th Cir. 2006)
- *Scott v. Harris*, 550 U.S. 372, 378, 380, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007)
- *United States v. Diebold, Inc.*, 369 U.S. 654, 655, 82 S. Ct. 993, 8 L. Ed. 2d 176 (1962)
- *Estelle v. Gamble*, 429 U.S. 97, 103, 105-06, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)
- *Wilson v. Seiter*, 501 U.S. 294, 299 (1991)
- *Whitley v. Albers*, 475 U.S. 312, 319, 106 S. Ct. 1078, 89 L. Ed. 2d 251 (1986)
- *North v. Cuyahoga Cty.*, 754 F. App'x 380, 385 (6th Cir.)
- *Winkler v. Madison Cty.*, 893 F. 3d 877, 890-91 (6th Cir. 2018)
- *Ford v. County of Grand Traverse*, 535 F. 3d 483, 495 (6th Cir. 2008)
- *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)
- *Rouster v. Cty. of Saginaw*, 749 F. 3d 437, 446-47 (6th Cir. 2014)
- *Comstock v. McCrary*, 273 F. 3d 693, 703 (6th Cir. 2001)

- Jones v. Muskegon Cty., 625 F. 3d 935, 941 (6th Cir. 2020)
- Hayes v. Snyder, 546 F. 3d 516, 522-23 (7th Cir. 2008)
- Gutierrez v. Peters, 111 F. 3d 1364, 1373 (7th Cir. 1997)
- Grissom v. Davis, 55 Fed. Appx. 756, 757 (6th Cir. 2003)
- McCutcheon v. Sood, 2000 WL 528481, at *5 (N.D. Ill. Apr. 26, 2000)
- Rogers v. Garnett, 2005 WL 2260869, at *3 (S.D. Ill. Sept. 16, 2005)
- Abney v. McGinnis, 2007 WL 844675, at *1-3 (S.D.N.Y. Mar. 16, 2007)
- Hathaway v. Coughlin, 37 F. 3d 63, 66 (2d Cir. 1994)
- Brown v. Defrank, 2006 WL 3313821, at *21 (S.D.N.Y. Nov. 15, 2006)
- Hernandez v. Goord, 2006 WL 2109432, at *1, 5-6 (S.D.N.Y. July 28, 2006)
- Veloz v. New York, 35 F. Supp. 2d 305, 312 (S.D.N.Y. 1999)
- Paul v. Bailey, 2013 WL 2896990, at *3 (S.D.N.Y. June 13, 2013)
- Johnson v. Medford, 208 F. Supp. 2d 590, 592 (W.D.N.C.), aff'd, 37 F. App'x 622 (4th Cir. 2002)
- Lee v. Hatcher, 2016 WL 5467948, at *3 (M.D. Tenn. Sept. 29, 2016)
- Nichols v. Centurion, 2022 WL 1721452, at *4 (E.D. Tenn. May 27, 2022)
- Slattery v. Mohr, 2012 WL 2931131, at *8 (S.D. Ohio July 17, 2012)
- Green v. Correct Care Solutions, 2016 WL 1578841, at *7 (M.D. Tenn. Mar. 25, 2016)
- Rhinehart v. Scutt, 894 F. 3d 721, 750 (6th Cir. 2018)
- Anthony v. Swanson, 701 Fed. Appx. 460, 464 (6th Cir. 2017)
- Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985), reh'g denied, 474 U.S. 1111 (1986)