

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Aisha Pope v. Corizon Health, Inc., et al.

Pope · No. 2:19-cv-10870 · Decided December 22, 2025

SUMMARY

This Report and Recommendation addresses a renewed motion for summary judgment in Aisha Pope’s 42 U.S.C. § 1983 action against MDOC-employed nurses. Pope alleged that the defendants were deliberately indifferent to her serious medical needs by delaying or denying care related to rectal bleeding, abdominal pain, and chest pain before and after her colon cancer diagnosis. The magistrate judge recommended granting summary judgment because Pope did not present medical or expert evidence showing that the treatment was constitutionally inadequate or that any delay caused a detrimental effect.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	David R. Grand, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	December 22, 2025
DOCKET	2:19-cv-10870
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that prison nurses were deliberately indifferent to her serious medical needs in violation of the Eighth Amendment. The remaining MDOC defendants moved for summary judgment, and the magistrate judge issued a report and recommendation recommending that the renewed motion be granted.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56, summary judgment is proper when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmovant, but the nonmovant must identify specific admissible evidence establishing a triable issue and may not rely on the pleadings or conclusory assertions.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Aisha Pope v. Corizon Health, Inc., et al., Krystin Fiorini, Janet Branch, Bryant Tinsley

TOPICS

section 1983 prisoners rights cruel and unusual punishment summary judgment civil procedure

PRACTICE AREAS

civil rights prisoner medical care constitutional litigation federal civil procedure

QUESTIONS PRESENTED

1. Whether the MDOC nurses were deliberately indifferent under the Eighth Amendment to Pope's serious medical needs by failing to expedite her colonoscopy or surgery or by inadequately responding to her complaints.
2. Whether Pope produced sufficient evidence of inadequate treatment or a detrimental effect from an alleged delay in medical care to create a genuine dispute of material fact under Rule 56.
3. Whether RN Fiorini's alleged interference with another nurse's assessment on May 31, 2018 caused an actionable delay or harm.

HOLDINGS

1. A prisoner receiving ongoing treatment must present evidence that the treatment was so grossly incompetent, inadequate, or excessive as to be constitutionally actionable, and must provide medical proof or verifying medical evidence showing inadequacy and the detrimental effect of the alleged delay. Pope failed to do so.
2. The evidence did not create a genuine dispute that the defendant nurses were deliberately indifferent during the period between scheduling and performance of the colonoscopy.
3. Pope failed to establish that RN Branch's response to her report of blood in her stool was constitutionally inadequate or caused her harm.
4. Pope failed to establish deliberate indifference by RN Fiorini because the treating nurse disregarded Fiorini's alleged suggestion, contacted the doctor, and sent Pope to the hospital that same evening; no delay or resulting harm was shown.
5. Pope could not defeat summary judgment through conclusory assertions or allegations in her complaint without citing admissible evidence establishing a genuine dispute of material fact.

KEY QUOTATIONS

"In determining whether a genuine issue of material fact exists, the Court assumes the truth of the non-moving party's evidence and construes all reasonable inferences from that evidence in the light most favorable to the non-moving party." (Section B)

“The plaintiff must present enough evidence for a factfinder to evaluate the adequacy of the treatment provided and the severity of the harm caused by the allegedly inadequate treatment.” (Section C)

“Pope provides no evidence that RN Fiorini should have moved up the colonoscopy date or taken any other action in response to her complaints, which were already being addressed by the upcoming colonoscopy appointment.” (Section C.1)

FACTUAL BACKGROUND

Pope, an MDOC prisoner, reported rectal bleeding, abdominal pain, chest pain, and related symptoms before receiving a colonoscopy on July 5, 2017, which led to a colon cancer diagnosis and subsequent surgery. The defendant nurses interacted with Pope during the period before the colonoscopy, after the diagnosis while she awaited surgery, and during a May 2018 respiratory episode. The record showed that Pope received ongoing medical evaluation, had a scheduled colonoscopy and surgical referral, was admitted to the infirmary after one episode, and was sent to a hospital for the May 2018 episode. Pope did not provide medical or expert evidence that the defendants' treatment was inadequate or that any delay caused a detrimental medical effect.

PROCEDURAL HISTORY

Pope filed the action on March 25, 2019. Several MDOC defendants were dismissed in May 2019, and the claims against Corizon employees were later dismissed without prejudice following Corizon's bankruptcy and the parties' stipulation. After earlier summary judgment motions were dismissed without prejudice during the bankruptcy stay, the remaining MDOC defendants renewed their motion. The magistrate judge recommended granting that motion because Pope offered no evidence establishing inadequate treatment or a detrimental effect from any alleged delay.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the district court grant defendants' renewed motion for summary judgment.

CASES CITED

- Phillips v. Tangilag, 14 F.4th 524, 529 (6th Cir. 2021)
- Mack v. Bessner, 512 F. Supp. 3d 784, 792 (E.D. Mich. 2021)
- Alzid v. Porter, No. 23-2098, 2024 WL 4579427, at *5 (6th Cir. Oct. 25, 2024)
- Pittman v. Cuyahoga Cty. Dep't of Children & Family Servs., 640 F.3d 716, 723 (6th Cir. 2011)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Ciminillo v. Streicher, 434 F.3d 461, 464 (6th Cir. 2006)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Alexander v. CareSource, 576 F.3d 551, 558 (6th Cir. 2009)

- Wrench LLC v. Taco Bell Corp., 256 F.3d 446, 453 (6th Cir. 2001)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Johnson v. Austin, No. 23-2080, 2024 WL 5112912, at *2 (6th Cir. Sept. 17, 2024)
- Rhinehart v. Scutt, 894 F.3d 721, 736-38 (6th Cir. 2018)
- Comstock v. McCrary, 273 F.3d 693, 702 (6th Cir. 2001)
- Farmer v. Brennan, 511 U.S. 825, 834, 847 (1994)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Miller v. Calhoun Cnty., 408 F.3d 803, 819 (6th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Sullivan, 431 F.3d 976, 984 (6th Cir. 2005)
- Smith v. Detroit Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987)
- Frontier Ins. Co. v. Blaty, 454 F.3d 590, 596-97 (6th Cir. 2006)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-michigan-southern-division-united-states-di/2025/aisha-pope-v-corizon-health-inc-et-al-hoa0jwu8>