

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

**Denman v. MHM Correctional Services, LLC d/b/a MHM Solutions,
et al.**

Denman · No. 1:23-cv-01918 · Decided March 26, 2026

SUMMARY

The memorandum addresses a motion to dismiss claims arising from the suicide of an incarcerated individual at SCI Camp Hill. The plaintiff alleges that correctional healthcare providers and their employer acted with deliberate indifference to the decedent’s serious mental-health and suicide risks, and asserts related professional-negligence, wrongful-death, and survival claims. The excerpt begins the court’s analysis of the defendants’ arguments under Federal Rule of Civil Procedure 12(b)(6) and Pennsylvania certificate-of-merit requirements.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Yvette Kane
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 26, 2026
DOCKET	1:23-cv-01918
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 and Pennsylvania law arising from the suicide of an incarcerated person. The MHM Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the second amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, disregards conclusory allegations, and determines whether the remaining facts plausibly show an entitlement to relief under Rules 8(a) and 12(b)(6).
PRECEDENTIAL VALUE	unpublished
PARTIES	Eleanor Denman, both individually and as Administrator of the Estate of Ulysses Denman v. MHM Correctional Services, LLC d/b/a MHM

TOPICS

section 1983 prisoners rights motions to dismiss cruel and unusual punishment professional negligence

PRACTICE AREAS

civil rights constitutional law civil procedure torts health law

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly alleged an Eighth Amendment vulnerability-to-suicide claim under § 1983 against Wanga.
2. Whether the second amended complaint plausibly alleged that Mushtaq knew or should have known of Denman's particular vulnerability to suicide.
3. Whether MHM could be liable under § 1983 based on an alleged policy or custom, including the absence of a policy requiring physician supervision of nurse practitioners.
4. Whether Pennsylvania certificate-of-merit requirements barred the professional-negligence claims against Wanga and Mushtaq in federal court.
5. Whether the wrongful-death and survival claims against the MHM Defendants should be dismissed because the underlying claims were inadequately pleaded.

HOLDINGS

1. The second amended complaint plausibly alleged that Wanga was deliberately indifferent to Denman's particular vulnerability to suicide because Wanga discharged him from psychiatric observation without adequate precautions, despite recent self-harm, medication refusal, poor judgment and impulse control, and a recent suspected self-strangulation attempt.
2. The second amended complaint did not plausibly allege that Mushtaq knew or should have known of Denman's particular vulnerability to suicide.
3. The second amended complaint plausibly alleged § 1983 liability against MHM by identifying an MHM policy or custom—the alleged absence of a policy requiring physician supervision of nurse practitioners—that could have contributed to the constitutional violation.
4. The court denied dismissal of the professional-negligence claims against Wanga and Mushtaq because Federal Rule of Civil Procedure 8 displaces contrary state certificate-of-merit requirements in federal court.
5. The court denied dismissal of the wrongful-death and survival claims against the MHM Defendants because the underlying § 1983 and professional-negligence claims were adequately pleaded as to at least one or more defendants.

KEY QUOTATIONS

“The Court will dismiss Plaintiff’s Section 1983 claim against Defendant Mushtaq but will deny the motion in all other respects.”

“The Court finds these factual allegations sufficient to plausibly allege that Defendant Wanga failed to take the “necessary and available precautions to protect [Denman] from self-inflicted wounds” and was thereby deliberately indifferent to his particular vulnerability to suicide.”

“As a result of the Supreme Court’s ruling that state affidavit and certificate of merit laws do not apply in federal courts, the Court will deny the MHM Defendants’ motion to dismiss Plaintiff’s professional negligence claim against Defendants Wanga and Mushtaq.”

FACTUAL BACKGROUND

Ulysses Denman, who had a substantial history of mental illness, suicidal ideation, self-harm, and prior suicide attempts, was incarcerated at SCI Camp Hill. Shortly before his death, he exhibited fresh self-harm marks, refused medication and a psychiatric assessment, and was discharged from a psychiatric observation cell by Kevin Wanga despite poor insight, judgment, and impulse control, without review of relevant records or instructions for post-discharge monitoring. Denman later went at least fifteen days without contact with mental-health personnel and was found hanging from his bunk after constructing a noose from a rug.

PROCEDURAL HISTORY

Plaintiff filed an initial complaint in November 2023 and subsequently amended it. The court previously dismissed the amended complaint against MHM while granting leave to amend, concluding that the pleading did not adequately allege a policy or custom supporting private-entity liability under § 1983. Plaintiff then filed a second amended complaint adding Wanga and Mushtaq and alleging additional facts. The court granted in part and denied in part the MHM Defendants’ motion to dismiss: it dismissed the § 1983 claim against Mushtaq but allowed the claims against Wanga and MHM, as well as the challenged professional-negligence, wrongful-death, and survival claims, to proceed.

DISPOSITION

other

CASES CITED

- Kedra v. Schroeter, 876 F.3d 424, 434 (3d Cir. 2017)
- Phillips v. County of Allegheny, 515 F.3d 224, 232 (3d Cir. 2008)
- In re Insurance Brokerage Antitrust Litigation, 618 F.3d 300, 341 n.42 (3d Cir. 2010)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir. 2009)
- Santiago v. Warminster Township, 629 F.3d 121, 130 (3d Cir. 2010)
- Mayer v. Belichick, 605 F.3d 223, 230 (3d Cir. 2010)

- Pension Benefit Guaranty Corp. v. White Consolidated Industries, Inc., 998 F.2d 1192, 1196 (3d Cir. 1993)
- Kneipp v. Tedder, 95 F.3d 1199, 1204 (3d Cir. 1996)
- Harvey v. Plains Township Police Department, 421 F.3d 185, 189 (3d Cir. 2005)
- West v. Atkins, 48 U.S. 42, 48 (1988)
- Palakovic v. Wetzel, 854 F.3d 209, 222-24, 227, 230-32 (3d Cir. 2017)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Colburn v. Upper Darby Township, 946 F.2d 1017, 1023-25 & n.1 (3d Cir. 1991)
- Diorio v. Harry, No. 21-1416, 2022 WL 3025479, at *5 (3d Cir. Aug. 1, 2022)
- Carrol v. Lancaster County, 301 F. Supp. 3d 486, 498 (E.D. Pa. 2018)
- Cabrera v. Clerk, No. 16-cv-00392, 2018 WL 347727, at *5 (M.D. Pa. Jan. 10, 2018)
- Natale v. Camden County Correctional Facility, 318 F.3d 575, 583-85 (3d Cir. 2003)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 691 (1978)
- Johnson v. City of Philadelphia, 105 F. Supp. 3d 474, 483 (E.D. Pa. 2015), *aff'd*, 837 F.3d 343 (3d Cir. 2016)
- Liggon-Redding v. Estate of Sugarman, 659 F.3d 258, 262-65 (3d Cir. 2011)
- Schmigel v. Uchal, 800 F.3d 113 (3d Cir. 2015)
- Chamberlain v. Giampapa, 210 F.3d 154 (3d Cir. 2000)
- Berk v. Choy, No. 24-440, 2026 WL 135974 (U.S. Jan. 20, 2026)
- Hanna v. Plumer, 380 U.S. 460, 467-70 (1965)

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