

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

M.M., a Minor, by and through her next friend and mother, Elizabeth
Morris v. Timothy R. Derosha

M.M. v. Derosha · No. 7:25-cv-00004 · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Virginia denies Timothy R. Derosha’s motion to dismiss a minor’s 42 U.S.C. § 1983 substantive due process claim. The claim arises from an alleged delay in permitting the minor to receive emergency medical treatment while a state trooper detained her father at gunpoint in a hospital parking lot. The court concludes at the pleading stage that the allegations plausibly establish conscience-shocking conduct and declines to apply qualified immunity on the present record.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Elizabeth K. Dillon
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 30, 2026
DOCKET	7:25-cv-00004
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 substantive due process claim against a Virginia State Police trooper. The defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) and asserted qualified immunity. The court denied the motion.
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, and determines whether the complaint states a plausible claim for relief. Qualified immunity may be resolved at the motion-to-dismiss stage when the complaint's allegations establish the defense. The court considered the authenticated 911 recording because it was integral to the complaint.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive authority only
PARTIES	M.M., a Minor, by and through her next friend and mother, Elizabeth Morris v. Timothy R. Derosha

TOPICS

substantive due process qualified immunity section 1983 motions to dismiss civil rights

PRACTICE AREAS

constitutional law civil rights civil procedure health law

QUESTIONS PRESENTED

1. Whether M.M.'s allegations plausibly stated a Fourteenth Amendment substantive due process claim based on deliberate indifference to her serious medical needs.
2. Whether the allegations supported applying the deliberate-indifference rather than intent-to-harm standard to the conscience-shocking inquiry.
3. Whether Derosha was entitled to qualified immunity because the alleged conduct did not violate a constitutional right.
4. Whether the asserted right was clearly established when Derosha allegedly detained M.M. and delayed her access to emergency medical care.

HOLDINGS

1. At the motion-to-dismiss stage, the alleged conduct was properly evaluated under the deliberate-indifference standard rather than the more demanding intent-to-harm standard because the alleged constitutional injury occurred after the pursuit, when Derosha allegedly had time for deliberation.
2. M.M. plausibly alleged that Derosha acted with deliberate indifference to her serious medical needs in violation of the Fourteenth Amendment.
3. The complaint plausibly alleged that Derosha violated M.M.'s constitutional right by detaining her and delaying necessary medical care despite knowledge of her serious medical emergency.
4. The constitutional right was clearly established at the time of the alleged violation, so Derosha was not entitled to qualified immunity at the motion-to-dismiss stage.

KEY QUOTATIONS

“The court finds that the deliberate-indifference standard of culpability is the appropriate standard to evaluate whether Derosha’s behavior was “so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.”” (Section III.A.1)

“Therefore, accepting all well-pleaded allegations as true and drawing all reasonable factual inferences in M.M.’s favor, the court finds that Derosha’s conduct, as alleged in the complaint, shocks the conscience.”

(Section III.A.2)

“By preventing a detained passenger from obtaining adequate medical care, an officer may violate the passenger’s substantive due process rights.” (Section III.B.2)

“Accordingly, it is hereby ORDERED that defendant Timothy R. Derosha’s motion to dismiss (Dkt. No. 11) is DENIED.” (Conclusion)

FACTUAL BACKGROUND

M.M., a ten-year-old child experiencing severe difficulty breathing, was being driven by her father to a hospital emergency room. Her father was speeding, had activated his hazard lights, and proceeded through red lights before entering the emergency-room parking lot, where Derosha initiated a traffic stop. After the father repeatedly explained that M.M. could not breathe and needed immediate medical care, Derosha drew his firearm, detained the vehicle's occupants, and delayed M.M.'s entry into the emergency room for approximately two and a half minutes. M.M. was eventually taken inside, treated, and later transported to another hospital, where she remained hospitalized for several days.

PROCEDURAL HISTORY

M.M. filed suit alleging that Derosha violated her Fourteenth Amendment substantive due process rights by detaining her during a traffic stop and delaying her access to emergency medical care. Claims against the Commonwealth of Virginia, Department of State Police, and claims under § 1985 and Article I, § 11 of the Virginia Constitution were dismissed pursuant to stipulations. The remaining § 1983 claim against Derosha proceeded to decision on the motion to dismiss.

DISPOSITION

other

CASES CITED

- *Mason v. Machine Zone, Inc.*, 851 F.3d 315, 317 n.2 (4th Cir. 2017)
- *Goines v. Valley Community Services Board*, 822 F.3d 159, 164, 166 (4th Cir. 2016)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 557, 570 (2007)
- *Francis v. Giacomelli*, 588 F.3d 186, 193 (4th Cir. 2009)
- *Secretary of State for Defence v. Trimble Navigation Ltd.*, 484 F.3d 700, 705 (4th Cir. 2007)
- *Edwards v. City of Goldsboro*, 178 F.3d 231, 244 (4th Cir. 1999)
- *Wag More Dogs, LLC v. Cozart*, 680 F.3d 359, 365 (4th Cir. 2012)
- *Giarratano v. Johnson*, 521 F.3d 298, 302 (4th Cir. 2008)
- *Columbia v. Haley*, 738 F.3d 107, 116 (4th Cir. 2013)
- *Brockington v. Boykins*, 637 F.3d 503, 506 (4th Cir. 2011)
- *Estate of Jones v. City of Martinsburg*, 961 F.3d 661, 667 (4th Cir. 2020)

- *Booker v. South Carolina Department of Corrections*, 855 F.3d 533, 537-38 (4th Cir. 2017)
- *Sigman v. Town of Chapel Hill*, 161 F.3d 782, 786 (4th Cir. 1998)
- *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)
- *Dean v. McKinney*, 976 F.3d 407, 413-18 (4th Cir. 2020)
- *County of Sacramento v. Lewis*, 523 U.S. 833, 836-37, 848-54 (1998)
- *Washington v. Housing Authority of the City of Columbia*, 58 F.4th 170, 177-78 (4th Cir. 2023)
- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 202 (1989)
- *Whitley v. Albers*, 475 U.S. 312, 320 (1986)
- *Terrell v. Larson*, 396 F.3d 975, 980 (8th Cir. 2005)
- *Vargas v. City of Philadelphia*, 783 F.3d 962, 965-74 (3d Cir. 2015)
- *Short v. Hartman*, 87 F.4th 593, 611 (4th Cir. 2023)
- *Mays v. Sprinkle*, 992 F.3d 295, 300-01 (4th Cir. 2021)
- *Jackson v. Lightsey*, 775 F.3d 170, 178 (4th Cir. 2014)
- *Scinto v. Stansberry*, 841 F.3d 219, 225 (4th Cir. 2016)
- *Iko v. Shreve*, 535 F.3d 225, 241 (4th Cir. 2008)
- *Parrish ex rel. Lee v. Cleveland*, 372 F.3d 294, 302-03 (4th Cir. 2004)
- *Young v. City of Mount Ranier*, 238 F.3d 567, 575-76 (4th Cir. 2001)
- *Dewet v. Rollyson*, 157 F.4th 344, 349 (4th Cir. 2025)
- *Lewis v. Caraballo*, 98 F.4th 521, 534 (4th Cir. 2024)
- *Hope v. Pelzer*, 536 U.S. 730, 741 (2002)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)
- *Baldi v. Philadelphia*, 609 F. Supp. 162, 165-67 (E.D. Pa. 1985)
- *City of Revere v. Massachusetts General Hospital*, 463 U.S. 239, 240-45 (1983)
- *Tarashuk v. Givens*, 53 F.4th 154, 166 (4th Cir. 2022)
- *Browder v. City of Albuquerque*, 787 F.3d 1076, 1082 (10th Cir. 2015)
- *Connell v. Russell*, No. 1:22CV935, 2024 WL 2722135, at *3-7 (M.D.N.C. May 28, 2024)

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