

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY

Yehoshua Israel Millay v. Daviess County

Civil Action No. 4:24-CV-00062-JHM (W.D. Ky. Feb. 26, 2026) · No. 4:24-CV-00062-JHM · Decided February 27, 2026

SUMMARY

The court grants Daviess County’s motion for summary judgment and denies Yehoshua Israel Millay’s cross-motion in a 42 U.S.C. § 1983 action. Millay, a pretrial detainee, alleged that inadequately sanitized communal hair clippers at the Daviess County Detention Center caused him to contract MRSA and that the County was deliberately indifferent under the Fourteenth Amendment. The court concludes that Millay failed to establish a substantial risk of serious harm, deliberate indifference, causation, or an unconstitutional municipal policy or custom.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky
WRITING FOR THE COURT	Joseph H. McKinley Jr., Senior Judge
JURISDICTION	United States District Court for the Western District of Kentucky
DECIDED	February 27, 2026
DOCKET	4:24-CV-00062-JHM
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in a 42 U.S.C. § 1983 action brought by a pretrial detainee against Daviess County for alleged Fourteenth Amendment deliberate indifference and municipal liability.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The court viewed the evidence and drew reasonable inferences in favor of the nonmoving party, but held that a pro se litigant remains subject to Rule 56's substantive requirements.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion; persuasive authority only
PARTIES	Yehoshua Israel Millay v. Daviess County

TOPICS

section 1983

municipal liability

prisoners rights

summary judgment

fourteenth amendment

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

municipal liability

civil procedure

QUESTIONS PRESENTED

1. Whether the evidence created a genuine dispute that Daviess County subjected Millay to conditions posing a substantial risk of serious harm in violation of the Fourteenth Amendment.
2. Whether Daviess County acted deliberately and recklessly in connection with its communal-clipper sanitation procedures.
3. Whether Millay established an official county policy or custom that caused an underlying constitutional violation sufficient for municipal liability under 42 U.S.C. § 1983.
4. Whether either party was entitled to summary judgment.

HOLDINGS

1. Millay failed to establish a genuine dispute that the detention center's communal-clipper practices exposed him to a substantial risk of serious harm or that County officials deliberately and recklessly disregarded such a risk.
2. Millay's municipal-liability claim failed because he did not establish an underlying constitutional violation or an unconstitutional policy or custom attributable to Daviess County.
3. Daviess County was entitled to summary judgment, and Millay was not entitled to summary judgment.

KEY QUOTATIONS

“An underlying constitutional violation is the sine qua non of municipal liability” (Section IV.B)

“The mere presence of MRSA at the DCDC is insufficient to show that Plaintiff was exposed to a substantial risk of serious harm.” (Section IV.C)

“Plaintiff cannot make out a deliberate indifference claim “merely by demonstrating that MRSA poses a potential health threat and that defendants took, in [his] view, inadequate steps to address it.”” (Section IV.C)

FACTUAL BACKGROUND

Millay was a pretrial detainee at the Daviess County Detention Center in November 2023. After using communal hair clippers, he developed swelling and an abscess on his neck; hospital treatment included surgery, and cultures identified MRSA. The detention center used Clippercide on the clippers before and after distribution and provided inmates with QS Plus hand sanitizer for use on the equipment. Millay had no expert evidence linking the infection to the clippers and acknowledged other possible sources of infection.

PROCEDURAL HISTORY

Millay alleged that communal hair clippers provided at the Daviess County Detention Center caused him to contract an MRSA infection and that jail officials were deliberately indifferent to his health and safety. On initial review under 28 U.S.C. § 1915A, the court allowed a Fourteenth Amendment claim against Daviess County to proceed on a municipal-liability theory only. The parties filed cross-motions for summary judgment. The court granted the County's motion, denied Millay's motion, and directed that a separate judgment dismiss the action.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Laster v. City of Kalamazoo, 746 F.3d 714, 726 (6th Cir. 2014)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Johnson v. Stewart, No. 08-1521, 2010 WL 8738105, at *3 (6th Cir. May 5, 2010)
- Bensfield v. Murray, No. 4:21-CV-P104-JHM, 2022 WL 508902, at *2 (W.D. Ky. Feb. 18, 2022)
- Brawner v. Scott County, 14 F.4th 585, 591, 596-97 (6th Cir. 2021)
- Elswick v. Derrough, No. 3:23-CV-00033-GNS-CHL, 2025 WL 1651927, at *10 (W.D. Ky. June 10, 2025), *aff'd*, No. 25-5632, 2026 WL 166407 (6th Cir. Jan. 21, 2026)
- Farmer v. Brennan, 511 U.S. 825, 834, 836, 846 (1994)
- Hadix v. Johnson, 367 F.3d 513, 525 (6th Cir. 2004)
- Rhodes v. Chapman, 452 U.S. 337, 346 (1981)
- Hudson v. McMillian, 503 U.S. 1, 9 (1992)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1071 (9th Cir. 2016) (*en banc*)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 691 (1978)
- Searcy v. City of Dayton, 38 F.3d 282, 286 (6th Cir. 1994)
- Alkire v. Irving, 330 F.3d 802, 815 (6th Cir. 2003)
- Puskas v. Delaware County, 56 F.4th 1088, 1099 (6th Cir. 2023)
- Thomas v. City of Columbus, 854 F.3d 361, 367 (6th Cir. 2017)
- Romero v. City of Lansing, Michigan, 159 F.4th 1002, 1009 (6th Cir. 2025)
- North v. Cuyahoga County, 754 F. App'x 380, 389, 392 (6th Cir. 2018)
- Lyons v. Barry County Jail, No. 1:24-CV-1162, 2025 WL 262142, at *6 (W.D. Mich. Jan. 22, 2025)
- Batton v. Sandusky County, No. 23-3168, 2024 WL 1480522, at *3 (6th Cir. Apr. 5, 2024)
- Bowers v. Livingston County, No. 08-CV-14134, 2009 WL 10679417, at *4 (E.D. Mich. Dec. 11, 2009), *aff'd*, 426 F. App'x 371 (6th Cir. 2011)
- Oliver v. Bucks County Correctional Facility-Warden, 181 F. App'x 287 (3d Cir. 2006)
- Moore v. Smith, No. 1:13-CV-881, 2017 WL 1217786, at *6 (W.D. Mich. Mar. 3, 2017), report and recommendation adopted, 2017 WL 1159805 (W.D. Mich. Mar. 28, 2017)

- Lee v. Birkett, No. 09-10723, 2010 WL 1131485, at *7 (E.D. Mich. Feb. 18, 2010), report and recommendation adopted, 2010 WL 1131486 (E.D. Mich. Mar. 22, 2010)
- DeBlasio v. Johnson, 128 F. Supp. 2d 315, 331 (E.D. Va. 2000)
- Cameron v. Bouchard, 815 F. App'x 978, 985-86 (6th Cir. 2020)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Perry v. Scott County, No. 3:17-CV-234-TAV-HBG, 2020 WL 714116, at *8 (E.D. Tenn. Feb. 12, 2020)
- Miller v. Calhoun County, 408 F.3d 803, 816 (6th Cir. 2005)
- Gregory v. City of Louisville, 444 F.3d 725, 763 (6th Cir. 2006) (concurring opinion)
- Duvall v. Dallas County, Texas, 631 F.3d 203 (5th Cir. 2011)
- Smoot v. United Transportation Union, 246 F.3d 633, 649 (6th Cir. 2001)