

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Joseph D. Dunlap v. CoreCivic, et al.

Dunlap · No. 1:26-cv-01080-JDB-tmp · Decided June 25, 2026

SUMMARY

The United States District Court for the Western District of Tennessee dismissed Joseph D. Dunlap’s amended 42 U.S.C. § 1983 complaint arising from an inmate stabbing at Whiteville Correctional Facility. The court dismissed the federal claims with prejudice for failure to state a claim, declined supplemental jurisdiction over Tennessee negligence claims, denied further leave to amend and appointment of counsel, and recommended that the dismissal count as a strike under 28 U.S.C. § 1915(g). The court also certified that an appeal would not be taken in good faith and denied in forma pauperis status on appeal.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	June 25, 2026
DOCKET	1:26-cv-01080-JDB-tmp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a prisoner's amended pro se complaint under the Prison Litigation Reform Act, 28 U.S.C. §§ 1915A and 1915(e)(2), following dismissal of the original complaint without prejudice and an opportunity to amend.
STANDARD OF REVIEW	Under the PLRA screening provisions, the court applied the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded factual allegations as true, disregarding conclusory allegations and unsupported legal conclusions, and determining whether the allegations plausibly suggested an entitlement to relief.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Joseph D. Dunlap v. CoreCivic, Robert Adams, Jr., Neil, Vandyke, Marshall, A. Wilkes, Victoria Williams, L. Jackson

TOPICS

section 1983 prisoners rights cruel and unusual punishment civil procedure appellate procedure

PRACTICE AREAS

civil rights constitutional law civil procedure prisoner litigation torts

QUESTIONS PRESENTED

1. Whether Dunlap adequately pleaded a § 1983 claim against CoreCivic based on an alleged policy, custom, or failure to train.
2. Whether the official-capacity claims against the individual defendants were barred by the failure to allege a CoreCivic policy or custom causing the alleged constitutional violations.
3. Whether the claims against grievance officials stated a constitutional violation based on an allegedly ineffective prison grievance procedure.
4. Whether the claims against Adams, Neil, and Vandyke adequately alleged personal involvement or supervisory liability under § 1983.
5. Whether the claim against Marshall adequately alleged the objective and subjective components of an Eighth Amendment failure-to-protect claim.
6. Whether the court should exercise supplemental jurisdiction over the Tennessee negligence claims after dismissing all federal claims.
7. Whether further leave to amend and appointment of counsel should be denied.

HOLDINGS

1. A private corporation operating a prison may be treated like a municipality for § 1983 purposes, but it cannot be held liable on a respondeat-superior theory; the plaintiff must allege that a corporate policy or well-settled custom was the moving force behind the constitutional injury. Dunlap's conclusory allegation that CoreCivic had a history of misconduct did not adequately plead an actionable failure-to-train policy or custom.
2. The official-capacity claims were treated as claims against the defendants' employer, CoreCivic, and failed for the same reason as the direct claims against CoreCivic because Dunlap did not allege a corporate policy or custom that caused the alleged constitutional violations.
3. A prisoner has no inherent constitutional right to an effective prison grievance procedure, so allegations that grievance officials ignored or mishandled a grievance do not state a constitutional claim.
4. A § 1983 claim against a supervisory official requires personal involvement in the unconstitutional conduct or authorization, approval, or knowing acquiescence in it; Dunlap's allegations that Adams,

Neil, and Vandyke had general responsibilities or should have acted safely did not satisfy that requirement.

5. An Eighth Amendment failure-to-protect claim requires allegations satisfying both an objective component—incarceration under conditions posing a substantial risk of serious harm—and a subjective component—that the official knew of and disregarded an excessive risk to inmate safety. Dunlap did not plausibly allege that Marshall knew or should have known that Jones posed a reasonable likelihood of attacking Dunlap, so the claim failed.
6. After dismissing all federal claims, the court declined to exercise supplemental jurisdiction over the related Tennessee negligence claims and dismissed them without prejudice under 28 U.S.C. § 1367(c) (3).
7. Further leave to amend was denied because the court had already afforded Dunlap an opportunity to amend and determined that further amendment would be futile. The motion to appoint counsel was denied after dismissal of the amended complaint.

KEY QUOTATIONS

“A private corporation that performs the traditional state function of operating a prison acts under color of state law for purposes of § 1983.”

“To properly allege a failure to train claim, a plaintiff must satisfy three elements: “(1) that [the] training was inadequate to prepare [officers] for the tasks that officers in his [or her] position must perform; (2) that the inadequacy persisted due to the [company’s] deliberate indifference; and (3) that the inadequacy is closely related to or actually caused the plaintiff’s injury.””

“A prisoner has “no inherent constitutional right to an effective prison grievance procedure.””

“At most, the amended complaint has alleged negligence, which is insufficient to satisfy the subjective component.”

FACTUAL BACKGROUND

While incarcerated at Whiteville Correctional Facility, Dunlap's cellmate was stabbed by another inmate, Jones, on December 31, 2025. On January 1, 2026, while Dunlap was called out of his cell by security officials, Jones allegedly persuaded corrections officer Marshall to open his cell door and then chased and stabbed Dunlap more than eighteen times with a knife, puncturing his lung and causing lasting nerve and facial injuries. Dunlap alleged that grievance officials ignored his grievance and sought damages against CoreCivic and several facility employees.

PROCEDURAL HISTORY

Dunlap filed a pro se § 1983 complaint and an application to proceed in forma pauperis. The court granted IFP status, assessed the filing fee, dismissed the original complaint without prejudice, and granted leave to amend. After Dunlap filed an amended complaint and moved for appointment of counsel, the court screened the amended complaint, dismissed the federal claims with prejudice, declined supplemental jurisdiction over the Tennessee negligence claims and dismissed them without prejudice, denied further leave to amend and

appointment of counsel, certified that an appeal would not be taken in good faith, denied IFP status on appeal, recommended a strike under § 1915(g), and directed entry of judgment and closure of the case.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Hill v. Lappin, 630 F.3d 468 (6th Cir. 2010)
- Williams v. Curtin, 631 F.3d 380 (6th Cir. 2011)
- Wells v. Brown, 891 F.2d 591 (6th Cir. 1989)
- Brown v. Matauszak, 415 F. App'x 608 (6th Cir. 2011)
- Adickes v. S. H. Kress & Co., 398 U.S. 144 (1970)
- Thomas v. Coble, 55 F. App'x 748 (6th Cir. 2003)
- Street v. Corr. Corp. of Am., 102 F.3d 810 (6th Cir. 1996)
- Braswell v. Corr. Corp. of Am., 419 F. App'x 622 (6th Cir. 2011)
- Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)
- Coleman v. Hamilton Cnty. Bd. of Cnty. Comm'rs, 130 F.4th 593 (6th Cir. 2025)
- Burgess v. Fischer, 735 F.3d 462 (6th Cir. 2013)
- Berry v. Delaware Cnty. Sheriff's Office, 796 F. App'x 857 (6th Cir. 2019)
- Connick v. Thompson, 563 U.S. 51 (2011)
- City of Canton, Ohio v. Harris, 489 U.S. 378 (1989)
- Harvey v. Campbell Cnty., Tenn., 453 F. App'x 557 (6th Cir. 2011)
- Winkler v. Madison Cnty., 893 F.3d 877 (6th Cir. 2018)
- Howell v. NaphCare, Inc., 67 F.4th 302 (6th Cir. 2023)
- Grote v. Kenton Cnty., Ky., 85 F.4th 397 (6th Cir. 2023)
- Moore v. City of Harriman, 272 F.3d 769 (6th Cir. 2001)
- Kentucky v. Graham, 473 U.S. 159 (1985)
- Rashada v. Flegel, No. 23-1674, 2024 WL 1367436 (6th Cir. Apr. 1, 2024)
- Argue v. Hofmeyer, 80 F. App'x 427 (6th Cir. 2003)
- Hewitt v. Helms, 459 U.S. 460 (1983)
- Hursey v. Anderson, No. 16-1146, 2017 WL 3528206 (6th Cir. Mar. 31, 2017)
- Bellamy v. Bradley, 729 F.2d 416 (6th Cir. 1984)
- Polk Cnty. v. Dodson, 454 U.S. 312 (1981)
- Miller v. Calhoun Cnty., 408 F.3d 803 (6th Cir. 2005)
- Shehee v. Luttrell, 199 F.3d 295 (6th Cir. 1999)

- Hays v. Jefferson Cnty., Ky., 668 F.2d 869 (6th Cir. 1982)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Hudson v. Palmer, 468 U.S. 517 (1984)
- Cortes-Quinones v. Jimenez-Nettleship, 842 F.2d 556 (1st Cir. 1988)
- Wilson v. Yaklich, 148 F.3d 596 (6th Cir. 1998)
- Rhodes v. Chapman, 452 U.S. 337 (1981)
- Carico v. Benton, Ireland, & Stovall, 68 F. App'x 632 (6th Cir. 2003)
- Pearson v. Michigan Dep't of Corr., 170 F.4th 1027 (6th Cir. 2026)
- Veneklasé v. Bridgewater Condos., L.C., 670 F.3d 705 (6th Cir. 2012)
- Campanella v. Com. Exch. Bank, 137 F.3d 885 (6th Cir. 1998)
- Gamel v. City of Cincinnati, 625 F.3d 949 (6th Cir. 2010)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343 (1988)
- Lucas v. Chalk, 785 F. App'x 288 (6th Cir. 2019)
- LaFountain v. Harry, 716 F.3d 944 (6th Cir. 2013)
- Brown v. Rhode Island, 511 F. App'x 4 (1st Cir. 2013)
- Gonzalez-Gonzalez v. United States, 257 F.3d 31 (1st Cir. 2001)
- Curley v. Perry, 246 F.3d 1278 (10th Cir. 2001)
- Simons v. Washington, 996 F.3d 350 (6th Cir. 2021)