

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Shawnathan Delrea Fort v. Delaney Weirich, et al.

Fort v. Weirich · No. 3:24-cv-1644 · Decided March 30, 2026

SUMMARY

The United States District Court for the Northern District of Ohio granted summary judgment to defendants Delaney Weirich and Ciara Buck in Shawnathan Delrea Fort’s 42 U.S.C. § 1983 action. The court rejected Fort’s Eighth Amendment claims concerning mental-health treatment and protective control, and his First Amendment retaliation and access-to-courts claims. The court concluded that the record did not show deliberate indifference, a causal connection between protected activity and adverse action, or sufficient involvement by the defendants in the confiscation of Fort’s property.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Western Division
WRITING FOR THE COURT	Jeffrey J. Helmick
JURISDICTION	United States District Court for the Northern District of Ohio, Western Division
DECIDED	March 30, 2026
DOCKET	3:24-cv-1644
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on a pro se incarcerated plaintiff's claims under 42 U.S.C. § 1983 alleging violations of the First, Eighth, Fourth, and Fourteenth Amendments. Plaintiff did not oppose the motion.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence and reasonable inferences are viewed in the light most favorable to the nonmovant. Constitutional claims were also evaluated under the deliberate-indifference, personal-participation, actual-injury, and qualified-immunity standards applicable to the asserted claims.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive rather than precedential

PARTIES

Shawnathan Delrea Fort v. Delaney Weirich, Ciara Buck

TOPICS

section 1983

prisoners rights

summary judgment

qualified immunity

first amendment

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the defendants were deliberately indifferent to Fort's serious mental-health needs by failing to facilitate his preferred cognitive behavioral therapy involving his confiscated writings.
2. Whether the denial of Fort's protective-control requests constituted deliberate indifference to a substantial risk of serious harm.
3. Whether Fort could establish First Amendment retaliation based on the search of his cell and confiscation of his writings after settlement of an earlier lawsuit.
4. Whether confiscation of Fort's novel and songs denied him meaningful access to the courts.
5. Whether the defendants could be held personally liable under § 1983 for the search and seizure when they did not participate in, direct, or knowingly acquiesce in it.
6. Whether the cell search violated the Fourth Amendment.
7. Whether the loss or destruction of Fort's property violated procedural or substantive due process under the Fourteenth Amendment.
8. Whether the defendants were entitled to qualified immunity.

HOLDINGS

1. Fort failed to establish deliberate indifference because, although a reasonable jury could find that his mental illness presented a sufficiently serious medical need, the record showed that he received mental-health evaluation, caseload placement, weekly access to providers and therapeutic materials, and medication, and did not show that defendants consciously disregarded a substantial risk or interfered with prescribed cognitive behavioral therapy.
2. The denial of Fort's protective-control requests did not constitute deliberate indifference to a substantial risk of serious harm because Weirich and the committee investigated the allegations, evaluated available information, communicated the basis for the decision, and exercised professional judgment.
3. Weirich and Buck could not be held liable under § 1983 for the initial cell search and confiscation because the record contained no evidence that either defendant participated in, directed, supervised, authorized, approved, or knowingly acquiesced in those actions.
4. Fort's retaliation claim failed because, although his prior nonfrivolous lawsuit constituted protected conduct and the alleged search and confiscation could qualify as adverse actions, he presented no evidence beyond temporal proximity from which a reasonable jury could find a retaliatory motive.

5. Fort failed to establish an access-to-courts claim because he did not show that confiscation of his novel and songs caused actual injury to a nonfrivolous direct appeal, habeas petition, or civil-rights claim.
6. The cell search did not violate the Fourth Amendment because prisoners have no legitimate expectation of privacy in their prison cells.
7. Fort's alleged loss or destruction of property did not establish a procedural due-process violation because Ohio provided a meaningful post-deprivation remedy, and negligent loss or injury does not implicate due process.
8. Weirich and Buck were entitled to qualified immunity because Fort failed to establish a constitutional violation, making it unnecessary to decide whether any asserted right was clearly established.

KEY QUOTATIONS

"To establish a claim under § 1983, Fort must prove that (1) he was deprived of a right secured by the Constitution or laws of the United States, and (2) the deprivation was caused by a person acting under color of state law."

"The relevant question is whether the defendant's actions are 'capable of deterring a person of ordinary firmness'; there is no requirement that the plaintiff show actual deterrence."

"Because Fort has failed to establish the Defendants violated his constitutional rights, Weirich and Buck are entitled to qualified immunity, and I need not address whether the law clearly established Fort's alleged constitutional violations."

FACTUAL BACKGROUND

Fort, an Ohio prisoner housed in a transitional programming unit, twice sought protective control based on allegations that crime victims and their family were arranging assaults and other criminal activity against him. Weirich investigated the requests and the Protective Control Committee denied them as unsubstantiated; prison mental-health staff nevertheless evaluated Fort, placed him on a mental-health caseload, provided weekly access and therapeutic materials, and prescribed medication. Later, a prison response team searched Fort's cell and confiscated approximately 800 pages of a novel and 200 songs, after which Fort alleged that Weirich and Buck retaliated against him, interfered with mental-health treatment and court access, and deprived him of property.

PROCEDURAL HISTORY

Fort filed this § 1983 action against prison employees Weirich and Buck based on the denial of protective control, alleged failure to provide preferred mental-health treatment, the search of his cell and seizure of his writings, retaliation, denial of access to the courts, and deprivation of property. Defendants moved for summary judgment. The court granted the motion on all claims, denied Fort's requests for a preliminary injunction and temporary restraining order as moot, certified that an appeal could not be taken in good faith, and closed the case.

DISPOSITION

CASES CITED

- Ondo v. City of Cleveland, 795 F.3d 597, 603 (6th Cir. 2015)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Rogers v. O'Donnell, 737 F.3d 1026, 1030 (6th Cir. 2013)
- Snell v. Village of Bellville, No. 1:11 CV 1744, 2011 WL 5361120, at *3 (N.D. Ohio Oct. 28, 2011)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Rhodes v. Chapman, 452 U.S. 337, 345-46, 349 n.14 (1981)
- Farmer v. Brennan, 511 U.S. 825, 832, 834, 837 (1994)
- Hudson v. Palmer, 468 U.S. 517, 526-27, 529-30, 533 (1984)
- Ivey v. Wilson, 832 F.2d 950, 954 (6th Cir. 1987) (per curiam)
- Hall v. Brazie, No. 4:22-cv-02275, 2023 WL 2633531, at *3 (N.D. Ohio Mar. 24, 2023)
- Alspaugh v. McConnell, 643 F.3d 162, 169 (6th Cir. 2011)
- Estate of Downard v. Martin, 968 F.3d 594, 600 (6th Cir. 2020)
- Burgess v. Fischer, 735 F.3d 462, 476 (6th Cir. 2013)
- Comstock v. McCrary, 273 F.3d 693, 703 (6th Cir. 2001)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Rhinehart v. Scutt, 894 F.3d 721, 737-38 (6th Cir. 2018)
- Anthony v. Swanson, 701 F. App'x 460, 464 (6th Cir. 2017)
- Rouster v. County of Saginaw, 749 F.3d 437, 448 (6th Cir. 2014)
- Miller v. Calhoun County, 408 F.3d 803, 819 (6th Cir. 2005)
- Waldrop v. Evans, 871 F.2d 1030, 1033 (11th Cir. 1989)
- Conley v. Wardern, No. 1:07cv737, 2008 WL 4657084, at *5 (S.D. Ohio Oct. 21, 2008)
- Whitley v. Albers, 475 U.S. 312, 322 (1986)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)
- Peatross v. City of Memphis, 818 F.3d 233, 242 (6th Cir. 2016)
- Shehee v. Luttrell, 199 F.3d 295, 300 (6th Cir. 1999)
- Hill v. Lappin, 630 F.3d 468, 472, 476 (6th Cir. 2010)
- Thaddeus-X v. Blatter, 175 F.3d 378, 391, 394, 398 (6th Cir. 1999)
- Herron v. Harrison, 203 F.3d 410, 415 (6th Cir. 2000)
- Bell v. Johnson, 308 F.3d 594, 603-06 (6th Cir. 2002)
- Maben v. Thelen, 887 F.3d 252, 266-67 (6th Cir. 2018)
- LaFountain v. Harry, 716 F.3d 944, 949 (6th Cir. 2013)
- Bounds v. Smith, 430 U.S. 817, 821, 828 (1977)
- Sallier v. Brooks, 343 F.3d 868, 874 (6th Cir. 2003)

- American Civil Liberties Union Fund of Michigan v. Livingston County, 796 F.3d 636, 643 (6th Cir. 2015)
- Jones v. Caruso, 569 F.3d 258, 268 (6th Cir. 2009)
- Lewis v. Casey, 518 U.S. 343, 349 (1996)
- Sampson v. Garrett, 917 F.3d 880, 881 (6th Cir. 2019)
- Clark v. Corrections Corp. of America, 113 F. App'x 65, 67-68 (6th Cir. 2004)
- Wolf v. Colorado, 338 U.S. 25, 27-28 (1949)
- Daniels v. Williams, 474 U.S. 327, 328 (1986)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Pearson v. Callahan, 555 U.S. 223, 236 (2009)
- District of Columbia v. Wesby, 583 U.S. 48, 62 (2018)

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