

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Larnell E. Hendrick v. Warden Roberts Dean, Jr., et al.

Hendrick · No. BAH-24-1214 · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Maryland considers a self-represented inmate’s claims that correctional officials retaliated against him for filing grievances and violated his constitutional and state-law rights. The court dismisses claims against the Maryland Department of Public Safety and Correctional Services and claims against individual defendants in their official capacities on Eleventh Amendment grounds. It allows the retaliation, intentional infliction of emotional distress, and Maryland Declaration of Rights claims to proceed against the remaining defendants.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Brendan A. Hurson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 20, 2026
DOCKET	BAH-24-1214
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a prisoner civil-rights action under 42 U.S.C. § 1983 and asserted related state-law and Maryland Declaration of Rights claims. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), alternatively referencing summary judgment without supporting argument or materials.
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 allegations plausibly establish entitlement to relief. The court generally focuses on the complaint and may consider documents attached to the motion if they are integral to the complaint and authentic.
PRECEDENTIAL VALUE	persuasive
PARTIES	Larnell E. Hendrick v. Warden Roberts Dean, Jr., Lieutenant Bilal Ahmed, Dr. Jacqueline Moore, Captain Oluwole Olowe, Officer

Ogunduyile, Officer Ngome, Ayo Ogunmolasuyi, Candace Welds,
Captain Olanrewaju Owolabi, Officer Olusegun Akinwekomi,
Department of Public Safety and Correctional Services

TOPICS

section 1983 prisoners rights first amendment motions to dismiss eleventh amendment immunity

PRACTICE AREAS

civil rights constitutional law prisoner civil rights civil procedure torts

QUESTIONS PRESENTED

1. Whether claims against the Department of Public Safety and Correctional Services and individual defendants in their official capacities are barred by Eleventh Amendment immunity.
2. Whether Hendrick plausibly pleaded First Amendment retaliation based on grievances and other protected activity.
3. Whether the alleged conduct, considered collectively, constituted more than a de minimis inconvenience and would deter a person of ordinary firmness from exercising First Amendment rights.
4. Whether Hendrick sufficiently pleaded injuries to support a damages claim.
5. Whether Hendrick's intentional-infliction-of-emotional-distress and Maryland Declaration of Rights claims should be dismissed at the pleading stage.

HOLDINGS

1. The Department of Public Safety and Correctional Services and the individual defendants sued in their official capacities are immune from Hendrick's federal claims and those claims must be dismissed.
2. Hendrick plausibly pleaded a First Amendment retaliation claim against all defendants except DPSCS.
3. A plaintiff need not prove that he personally stopped exercising First Amendment rights; it is sufficient at the pleading stage to allege conduct that would likely deter a person of ordinary firmness and that is more than a de minimis inconvenience.
4. Hendrick sufficiently pleaded injuries to allow his damages claim to proceed.
5. The intentional-infliction-of-emotional-distress and Maryland Declaration of Rights claims were not dismissed because defendants offered no more than conclusory arguments for dismissal.

KEY QUOTATIONS

“officials may not retaliate against inmates for filing grievances.” (Section III.B)

“the challenged conduct would ‘likely deter a person of ordinary firmness from the exercise of First Amendment rights.’” (Section III.B)

“An action motivated by retaliation for the exercise of a constitutionally protected right is actionable, even if

the act, when taken for a different reason, might have been legitimate.” (Section III.B)

FACTUAL BACKGROUND

Hendrick, an inmate at Jessup Correctional Institution, alleged that prison officials retaliated against him for filing grievances and pursuing prior lawsuits. He claimed that officials threatened him, placed him in administrative segregation, double-celled him despite a prior single-cell arrangement, interfered with visitation and mail, and subjected him to a urinalysis. He also alleged intentional infliction of emotional distress, violations of the Maryland Declaration of Rights, and inadequate property-storage space.

PROCEDURAL HISTORY

Hendrick filed a verified complaint and later supplemented it with allegations concerning inadequate storage space. Defendants moved to dismiss all claims. The court treated the motion solely as a Rule 12(b)(6) motion, granted it in part as to claims against DPSCS and official-capacity claims, and denied it as to the remaining claims.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Claims against DPSCS and claims against the individual defendants in their official capacities were dismissed. The remaining defendants were ordered to answer within 30 days, and counsel was to be appointed for Hendrick.

CASES CITED

- E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc., 637 F.3d 435, 448 (4th Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Walters v. McMahan, 684 F.3d 435, 439 (4th Cir. 2012)
- E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc., 637 F.3d 435, 440 (4th Cir. 2011)
- Secretary of State for Defence v. Trimble Navigation Ltd., 484 F.3d 700, 705 (4th Cir. 2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Weller v. Department of Social Services for City of Baltimore, 901 F.2d 387, 391 (4th Cir. 1990)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1984)
- Brandon v. Holt, 469 U.S. 464, 471-72 (1985)
- Chris X v. Yes Care Health, Civ. No. BAH-23-2024, 2024 WL 3995166, at *6 (D. Md. Aug. 29, 2024)
- Clark v. Maryland Department of Public Safety & Correctional Services, 316 F. App'x 279, 282 (4th Cir. 2009)
- Shaw v. Foreman, 59 F.4th 121, 130 (4th Cir. 2023)
- Martin v. Duffy, 858 F.3d 239, 249 (4th Cir. 2017)

- *Constantine v. Rectors & Visitors of George Mason University*, 411 F.3d 479, 499-500 (4th Cir. 2005)
- *Snoeyenbos v. Curtis*, 60 F.4th 723, 730-31 (4th Cir. 2023)
- *Booker v. South Carolina Department of Corrections*, 855 F.3d 533, 544 (4th Cir. 2017)
- *Martin v. Duffy*, 977 F.3d 294, 304 (4th Cir. 2020)
- *ACLU of Maryland, Inc. v. Wicomico County, Maryland*, 999 F.2d 780, 786 (4th Cir. 1993)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
 LARNELL E. HENDRICK, Plaintiff, .. ° y | Civil Action No.: BAH-24-1214 WARDEN
 ROBERTS DEAN, JR., et al, Defendants. MEMORANDUM OPINION Self-represented Plaintiff
 Larnell E. Hendrick, an inmate at Jessup Correctional Institution □ (“JCI”), filed this civil rights
 complaint pursuant to 42 U.S.C. § 1983, alleging Defendants have retaliated against him for filing
 grievances against them.

ECF 1 (complaint); ECF 8 (supplement). Defendants Warden Robert Dean, Jr., Lieutenant Bilal
 Ahmed, Dr. Jacqueline Moore, Captain Oluwale Olowe, Officer Ogunduyile, Officer Ngome, Ayo
 Ogunmolasuyi, Candace Welds, Captain Olanrewaju Owolabi, Officer Olusegun Akinwekomi, and
 the Department of Public Safety and Correctional Services (“DPSCS”) (collectively “Defendants”)
 filed a Motion to Dismiss (the “Motion”).!

ECF 38. Hendrick responded (ECF 41) and Defendants replied (ECF. 57). No hearing is necessary.
 See Loc. R. 105.6 (D. Md. 2025). For the reasons stated below, Defendants’ Motion is GRANTED
 in part and DENIED in part. OL COMPLAINT ALLEGATIONS In his verified Complaint,
 Hendrick claims that Defendants violated his rights under the First, Eighth, and Fourteenth
 Amendment of the United States Constitution.

ECF 1, at 3. He also alleges the tort of intentional infliction of emotional distress and violation of
 the Maryland | The Clerk will be directed to amend the docket to reflect Defendants’ full and
 correct names. Declaration of Rights. Jd. Hendrick states that he was transferred from North
 Branch Correctional Institution to JCI in 2017 pursuant to a settlement agreement ina prior action
 he brought in this □ Court, see Civ.

No. DKC-14-2398. ECF 1, at 4. DPSCS agreed Hendrick would be seen by medical staff within
 30 days of arrival to evaluate his condition and need for a single cell. Id. Hendrick says that no
 “patient care conference” occurred but claims he was assigned to a “medical single cell.” fd. at aS.
 Hendrick continued to be ina single cell for the next seven years. /d..

On September 17, 2023; Hendrick submitted a grievance to Captain Olowe requesting that his cell
 door be deadlocked when he exited. ECF I, at 5.’ A week later, Olowe told Hendrick “to stop filing
 grievances before [he] get [sic] his self in trouble.” Jd. Shortly thereafter, Hendrick filed a
 grievance related to attendarice rules for a’ family day event. Jd. at 5-6.

Days before the event, Hendrick was moved to administrative segregation without being given a reason. Td. □□□ During a video hearing with the Administrative Segregation Review Board (consisting of Ahmed, Owolabi, Welds; Ogunmolasuyi, and Dr. Moore), Lt. Ahmed allegedly told Hendrick the move was “because of an investigation,” but gave him no further information. /d. at 6-1.

Hendrick alleges several instances of mistreatment. He claims that Ogee and seven other officers shook down his cell and that Ogee threatened to remove his name from an unidentified grievance or he would have other inmates “deal with you.” ECF 1, at 1. While in administrative segregation, Hendrick was housed: with another inmate for three weeks. /d; ECF 8, at 12-13.

Ogunmolasuyi visited Hendrick and asked if he was ready to “sign off” on his grievances, stating that his filings were the reason for his segregation. ECF 1, at 8. Dr. Moore also visited Hendrick in segregation and urged him to sign off on the grievances asking, “... do you want a quality of life? If not, I’m not going to do-nothing for you.” Id. at 14. When Hendrick told Dr. Moore it was her job to help him with his anxiety, he says that Dr. Moore replied, “F--- you.” Id.

Hendrick also IL recounts an instance in which Olowe told him that Ogee and Ngome were not going to “let up off of [Hendrick]” until he stopped filing grievances. Id. at 10. On December 13, 2023, during another Review Board hearing, Welds and Ahmed told Hendrick to stop writing up the staff-or there would be consequences. □□□ Owolabi and Welds offered Hendrick a “body waiver” and told him he would be returned to a single cell in general population if he signed it. id. at 11.

Hendrick signed it, noting that it was pursuant to the promised. transfer, which Hendrick says Owolabi, Welds, and Akinwekomi confirmed. Id. at 12. Hendrick explains he did so because he believed he would be safer in general population where there are more people. Id. at 16.. Hendrick. wrote to Warden Dean on February 12, 2024, reasserting his request to have his cell door locked when he exited to avoid it being ransacked.

ECF 1, at 9-10. When he encountered Dean-weeks later, Dean’s response was, “I received your letter, so what.” Id. at 10. Hendrick’s request was based on his own experience and reports from other inmates-that Ngome and □□□□ - would enter his cell when he was downstairs. Id. at 10-11. When he confronted the officers, □□□□ responded, “whatever mail you get inmates will get, whatever pictures you get they’ll get.” Id. at □ 11.

Hendrick confirms that he saw various pieces of his personal and legal mail going around JCI. Id. Ngome and Ogee told Hendrick they were directing inmates to threaten him because of the grievances and prior lawsuits ‘he filed. ECF 8, at 7.

On another occasion, Ogee threatened that. such treatment would continue even if he was transferred to another facility. Id. at 7-8. On February 13, 2024, the day after Hendrick wrote to

Warden Dean, he was called down to the visiting room where Ogee told him he had been randomly selected for urinalysis. ECF 1, at 13. While Hendrick gave his urine sample, Ogee said, we've alerted all shifts to you, we've assigned inmates to deal with you, and your settlement agreement has brought you here for us to crush you." /d. at 14.

As a result of Defendants' alleged misconduct, Hendrick asserts that he has suffered emotional distress, fear, inability to sleep, fear of being around others, increased headaches, exacerbation of his idiopathic intracranial hypertension, anxiety, and depression. ECF 1, at 15. He seeks monetary damages as relief. /d. at 3, 17. 'In a supplement to his complaint filed on July 3, 2024, Hendrick asserts that DPSCS violated his rights by failing to provide adequate space to store personal property.

ECF 8, at 4. He states that there are no lockers that can be closed or locked. id. Hendrick contends that DPSCS has violated numerous of its own policies and "arbitrarily entered into'a settlement agreement that cause[d] substantial harm to [Hendrick]." Jd. at 6. He further asserts that Dean, Olowe, Ahmed, Akinwekomi, and Owolabi are liable as supervisors because they are the supervisors of the. segregation housing unit.

Jd. at 6-7. Hendrick further requests that he be transferred to Maryland Correctional Training Center or Western Correctional Institution for his safety. Jd. at 15-16. Defendants move to dismiss all claims. See ECF 38. II. STANDARD OF REVIEW To survive a motion to dismiss? for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), the factual allegations of a complaint "must be enough to raise a right to relief 2 Though Defendants' note in their motion that they seek summary judgment "in the alternative," ECF 38, at 1, they offer no argument in support of summary judgment in their memorandum in support of the motion (or in their reply brief) and repeatedly assert only that the claims "should be dismissed," id. at 11, 13.

Summary judgment is ordinarily inappropriate "where the parties have - not had an opportunity for reasonable discovery." E.. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 448 (4th Cir. 2011). Plus, Defendants provide no materials pertinent to the Rule 56 standard and thus appear to have abandoned any-effort to seek that relief at this stage.

As such, the Court will evaluate the motion as one seeking dismissal under Rule 12, not summary judgment under Rule 56. _ above the speculative level on the assumption that al] the allegations.in the complaint are true (even if doubtful in fact)." Bell At Corp. v. Twombly, 550 U.S, 544, 555 (2007) (citations omitted). "To satisfy this standard, a plaintiff need not 'forecast' evidence sufficient to prove the elements of the claim.

However, the complaint must allege sufficient facts to establish those elements." Walters v. McMahan, 684 F.3d 435, 439 (4th Cir. 2012) (citation omitted), In reviewing a Rule 12(b)(6) motion, a court "must accept as true all of the factual allegations contained in the complaint" and

must “draw all reasonable inferences [from those facts] in favor the plaintiff.’ E.L du Pont de Nemours.& Co. v. Kelon Indus., Inc., 637 F.3d 435, 440 (4th Cir.

201 1) (citations omitted).. _ Inruling on.a Rule 12(b)(6) motion, a court’s focus should be on.the complaint. Sec’y of State For Defence v. Trimble Navigation Ltd., 484 F.3d 700, 705 (4th Cir. 2007). The Court may. also consider documents attached to the motion if they are integral to the complaint and authentic. _ ‘Id. Hendrick submits his own declaration with his response to Defendants’ Motion.

See ECF 41- | l. His declaration is outside the pleadings, and the Court will not consider The Court is mindful that Hendrick is a self-represented litigant. A federal court must liberally construe pleadings filed by pro se litigants to allow them to fully develop potentially meritorious cases. See Erickson v. Pardus, 551 U.S. 89, 94 (2007): But liberal construction does not mean a court can ignore a clear failure in the pleadings to allege facts which set forth a claim.

See Weller v. Dep’t of Soc. Servs. for City of Balt., 901 F.2d 387, 391 (4th Cir. 1990). Ill. ANALYSIS. Defendants assert that Hendrick has failed to state any sufficient claims against Défendants and therefore the Complaint, as supplemented, must be dismissed. See ECF 38-1. They state that. liberal reading of the pleadings “fail[s] to yield anything beyond bald accusation[s] without Constitutional implications.” Id. at 5.

A. Eleventh Amendment Immunity.: □□ Under the Eleventh Amendment to the United States Constitution, a state, its agencies, and departments are immune from citizen suits in federal court absent state consent or Congressional action. See Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100 (1984). Claims against state employees acting in their official capacities are also subject to Eleventh Amendment immunity because a suit against the state actor is tantamount to a suit against the state itself Brandon v. Holt, 469 U.S. 464, 471-72 (1985).

While the State of Maryland has waived its sovereign immunity for certain types of cases brought in state courts, see Md. Code Ann., State Gov’t § 12-204(a), it has not waived its immunity under the Eleventh Amendment to suit in federal court. See Chris X v, Yes Care Health, Civ. No. BAH-23-2024, 2024 WL 3995166, at *6 (D. Md. Aug. 29, 2024).

Accordingly, to the extent Hendrick sues Defendants in their official capacities, DPSCS and all individual Defendants in their official capacities are immune from suit and those claims must be dismissed. See Clark v. Maryland Dep’t of Pub. Safety & Corr. Servs., 316 F. App’x 279, 282 (4th Cir. 2009) (holding that “the Maryland Department of Public Safety and Correctional Services is undoubtedly an arm of the state for purposes of § 1983” and therefore □ immune from suit under § 1983)..

B. Retaliation: To state a claim of retaliation for exercising a First Amendment right, a plaintiff must allege. that: (1) the plaintiff engaged in protected First Amendment activity; (2) the defendant

took some action that adversely affected the plaintiff's First Amendment rights; and (3) there was a causal relationship between the protected activity and the defendant's conduct.

See *Shaw v. Foreman*, 59 F.4th 121, 130 (4th Cir. 2023); *Martin v. Duffy*, 858 F.3d 239, 249 (4th Cir. 2017); *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 479, 499 (4th Cir. 2005). In assessing a First Amendment claim of retaliation, the question, "from an objective standpoint," is "whether the □ challenged conduct would 'likely deter a person of ordinary firmness from the exercise of First Amendment rights.'" *Snoeyenbos v. Curtis*, 60 F.4th 723, 731 (4th Cir.

2023) (quoting *Constantine*, 411 F.3d at 500). Thus, "the challenged conduct" must "generate more than a de minimis inconvenience." *Id.* at 730. Moreover, the Fourth Circuit has stated: "An action □ motivated by retaliation for the exercise of a constitutionally protected right is actionable, even if the act, when taken for a different reason, might have been legitimate." *Martin v. Duffy*, 977 F.3d 294, 304 (4th Cir. 2020) (cleaned up) (citation omitted).

Defendants 'assert that Hendrick has failed to allege a viable retaliation claim because he does not assert that the alleged misconduct had any chilling effect on Hendrick or otherwise impaired his First Amendment rights. ECF 38-1, at 11.

The Court disagrees. First, it is clear that "officials may not retaliate against inmates for filing grievances." *Booker v. §.C. Dep't of Corr.*, 855 F.3d 533, 544 (4th Cir. 2017); *Martin*, 858 F.3d at 249 ("[B]y alleging that he filed a grievance _ against a sergeant for battery, Martin has sufficiently pleaded that he engaged in protected conduct.").

Moreover, Hendrick does not have to show that he was personally deterred from exercising his First Amendment rights in light of Defendants' actions, only that the conduct would - have a chilling effect on "a person of ordinary firmness," *Constantine*, 411 F.3d at 500, and the effect was "more than a de minimis inconvenience," *ACLU of Md., Inc. v. Wicomico Cnty., Md.*, 999 F.2d 780, 786 (4th Cir.

1993). Indeed, the Fourth Circuit has "never held that a plaintiff must prove that the allegedly retaliatory conduct caused her to cease First Amendment activity altogether." *Constantine*, 411 F.3d at 500. Accepting the facts in the Complaint as true, as the Court must at this early-stage of the litigation, Hendrick alleges that in response to the grievances he filed, he was threatened, placed in administrative segregation without cause, lost visitation opportunities, was double celled despite his single cell order, had his mail distributed to other inmates at JCI, and was subjected to a drug test.

These allegations cannot be described as de minimis injuries. Hendrick -has plausibly alleges that a person of ordinary firmness would be fearful that continuing to file grievances would result in more adverse actions such as placement on administrative segregation. See *Martin*, 858 F.3d at

250 (holding that an inmate “sufficiently alleged [] adverse action against him by confining him in segregation” after the filing of - grievances).

Defendants’ argument that Hendrick’s filing of “a multitude of separate documents in this case defies any allegation of a chilling effect,” ECF 38-1, at 11, is unavailing. Putting aside that the filing of documents relates to this case and not the institutional grievances he alleges he was retaliated against for filing, Hendrick repeatedly asserts that he was fearful of Ahmed and thus excluded facts and documents from both his grievance and court filings because he feared for his life if Defendants knew he was pursuing complaints against them.

See ECF 1, at 9; ECF 41, at 8. Defendants’ Motion will be denied as to Hendrick’s retaliation claim. Defendants also argue that several instances of the alleged misconduct do not state constitutional claims separate from Hendrick’s retaliation claim. See ECF 38-1, at 5-6, 8-9. It may be true that when considered individually, certain of these allegations may not be viable as they would, standing alone, constitute a mere “de minimis inconvenience.” *ACLU of Md.*, 999 F.2d at 786.

However, when considered as a course of conduct purportedly designed to quell - access to remedies to which Hendrick is entitled, the Court agrees that Hendricks has properly alleged a First Amendment retaliation claim against all Defendants except DPSCS. Further, -Hendrick’s claims for intentional infliction of emotion distress and alleged violations of the Maryland Declaration of Rights will also move forward as Defendants raise no more than ° conclusory arguments for their dismissal.

See ECF 38-1, at 7. Finally, Defendants argue that Hendrick’s request for damages as relief is inappropriate because he has not sufficiently plead that he suffered a physical injury in addition to his emotional distress or how Defendants were the reasonable cause of that distress. ECF 38-1, at 11-12. While true that Hendricks lists emotional damages among his stated injuries, Defendants conveniently omit that Hendrick also claims that he suffered from increased headaches and exacerbation of his. idiopathic intracranial hypertension in addition to anxiety and depression.

ECF 1, at 15. Hendrick has thus plead sufficient injuries for his damages claim to survive a motion to dismiss. IV. CONCLUSION: For the foregoing reasons, Defendants’ Motion is granted in part and denied in part. Hendrick’s claims against DPSCS and Defendants in their official capacities are dismissed.

The remaining Defendants shall answer the Complaint within 30 days of the issuance of this’ memorandum opinion and the accompanying Order. Hendrick, who has previously requested the assistance of counsel, will be appointed counsel to represent him in this case moving forward. Aseparate Order follows. Dated: January 20, 2026 Isi_ Brendan A. Hurson United States District Judge

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