

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

Sylvester Reed v. Northeast Ohio Correctional Center et al.

Reed · No. 4:25-CV-01109 · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of Ohio granted CoreCivic's Rule 12(b)(6) motion to dismiss claims arising from alleged denial of post-surgery medical care at Northeast Ohio Correctional Center. The court held that the plaintiff failed to state viable claims under 42 U.S.C. § 1983, Bivens, or the ADA, and dismissed the claim for injunctive relief as moot. Claims against some unserved defendants were dismissed without prejudice, while other claims were dismissed with prejudice for the reasons stated in the opinion.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Benita Y. Pearson
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	March 27, 2026
DOCKET	4:25-CV-01109
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se federal inmate sued CoreCivic, Northeast Ohio Correctional Center, and federal and private correctional personnel under 42 U.S.C. § 1983, Bivens, and the Americans with Disabilities Act. CoreCivic moved under Federal Rule of Civil Procedure 12(b)(6), and the court resolved that motion and a motion for appointment of counsel.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true but disregards legal conclusions and determines whether the complaint states a facially plausible claim for relief. Pro se pleadings are liberally construed, but the court may not supply missing allegations or invent claims.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive value only

TOPICS

motions to dismiss

service of process

section 1983

ada / disability

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

Americans with Disabilities Act

civil procedure

QUESTIONS PRESENTED

1. Whether Reed stated a claim under 42 U.S.C. § 1983 against CoreCivic for alleged inadequate medical care at a private prison.
2. Whether Reed stated a Bivens claim for damages against CoreCivic or the United States Marshals Service.
3. Whether Reed adequately pleaded an Americans with Disabilities Act claim against CoreCivic.
4. Whether Reed's requests for declaratory or injunctive relief became moot after his transfer from NEOCC.
5. Whether claims against unserved defendants should be dismissed under Federal Rule of Civil Procedure 4(m).
6. Whether Northeast Ohio Correctional Center is a juridical entity capable of being sued.

HOLDINGS

1. The complaint failed to state a § 1983 claim against CoreCivic because it alleged no facts showing that CoreCivic acted under color of state law or that a CoreCivic policy or custom caused a constitutional violation.
2. Reed could not pursue a Bivens damages claim against CoreCivic, its private-prison personnel, or the United States Marshals Service.
3. The complaint failed to state an ADA claim because it did not identify a specific ADA provision or plead facts showing a qualifying disability, eligibility for a program or service, exclusion or denial of benefits, or discrimination because of disability.
4. Reed's requests for declaratory and injunctive relief concerning NEOCC and its staff were moot because he had been transferred to another correctional institution.
5. The claims against Hightower, Peter Elliot, and Shane Marchal were dismissed without prejudice because Reed failed to complete service within the time required by Federal Rule of Civil Procedure 4(m).
6. NEOCC is a non-juridical facility lacking a separate existence and is not capable of being sued.

KEY QUOTATIONS

“only a complaint that states a plausible claim for relief survives a motion to dismiss.” (Section III.B)

“Plaintiff cannot assert a Bivens claim for damages against Defendant CoreCivic’s employees for conduct that falls within the scope of traditional state tort law, an alternative and extant process for protecting any

constitutional interests at stake.” (Section IV.B)

“A federal inmate’s claim for declaratory and injunctive relief against a prison or prison staff becomes moot once the prisoner is transferred to a different correctional institution.” (Section IV.D)

FACTUAL BACKGROUND

Reed was detained before trial and underwent back and elbow surgery in Rochester, New York before being transferred to the privately operated Northeast Ohio Correctional Center for recovery. He alleged that NEOCC staff denied follow-up appointments, physical therapy, and his routine medications for more than three weeks, resulting in inadequate post-surgical care. He later pleaded guilty to federal bank-robbery charges, was sentenced to 126 months, and was transferred from NEOCC to other federal facilities, ultimately residing at FMC Springfield.

PROCEDURAL HISTORY

Reed filed suit on May 28, 2025. Despite court-ordered extensions and new summonses, only CoreCivic was served. CoreCivic moved to dismiss, and Reed did not respond. The court granted dismissal under Rule 12(b)(6), dismissed the claims against CoreCivic and NEOCC with prejudice, dismissed the claims against the United States Marshals Service and USM Patizzine with prejudice, dismissed the claims against Hightower, Elliot, and Marchal without prejudice for failure to complete service under Rule 4(m), dismissed injunctive relief as moot, and denied appointment of counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Foster v. Northeast Ohio Correctional Center, Case No. 4:25-CV-295, 2025 WL 2299331, at *3 (N.D. Ohio Aug. 8, 2025)
- Glaser v. Smith, No. 4:22-CV-1019, 2023 WL 4052470, at *8 n.5 (N.D. Ohio June 16, 2023)
- United States v. Reed, No. 6-21-CR-06057 (W.D.N.Y. Apr. 15, 2021)
- Demsey v. R.J. Reynolds Tobacco Co., No. 1:04CV1942, 2005 WL 1917934, at *2 (N.D. Ohio Aug. 10, 2005)
- Cacevic v. City of Hazel Park, 226 F.3d 483, 492 (6th Cir. 2000)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 546, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Hensley Manufacturing v. ProPride, Inc., 579 F.3d 603, 609 (6th Cir. 2009)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Hahn v. Star Bank, 190 F.3d 708, 715 (6th Cir. 1999)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)

- *Marbury v. Madison*, 1 Cranch 137, 163 (1803)
- *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996)
- *Martin v. Overton*, 391 F.3d 710, 714 (6th Cir. 2004)
- *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989)
- *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)
- *Papasan v. Allain*, 478 U.S. 265, 286 (1986)
- *Bouggess v. Mattingly*, 482 F.3d 886, 887 (6th Cir. 2007)
- *Gregory v. Shelby County, Tennessee*, 220 F.3d 433, 441 (6th Cir. 2000)
- *Flagg Brothers v. Brooks*, 436 U.S. 149, 155 (1978)
- *West v. Atkins*, 487 U.S. 42, 49 (1988)
- *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982)
- *Bishawi v. Northeast Ohio Correctional Center*, 628 F. App'x 339, 342 (6th Cir. 2014)
- *Ayon v. Northeast Ohio Correctional Center*, 478 F. App'x 999, 1000 (6th Cir. 2012)
- *Hyman v. Lewis*, 27 F.4th 1233, 1237 (6th Cir. 2022)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978)
- *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971)
- *Wilkie v. Robbins*, 551 U.S. 537, 550 (2007)
- *Bush v. Lucas*, 462 U.S. 367, 378 (1983)
- *Minnecci v. Pollard*, 565 U.S. 118, 125-126 (2012)
- *Correctional Services Corp. v. Malesko*, 534 U.S. 61, 70 (2001)
- *Ziglar v. Abbasi*, 582 U.S. 120, 140 (2017)
- *F.D.I.C. v. Meyer*, 510 U.S. 471, 483 (1994)
- *Tennessee v. Lane*, 541 U.S. 509, 516-517 (2004)
- *Roell v. Hamilton County*, 870 F.3d 471, 488 (6th Cir. 2017)
- *Anderson v. City of Blue Ash*, 798 F.3d 338, 357 (6th Cir. 2015)
- *Turner v. City of Englewood*, 195 F. App'x 346, 353 (6th Cir. 2006)
- *Collazo v. Correctional Corporation of America*, No. 4:11CV1424, 2011 WL 6012425, at *3 (N.D. Ohio Nov. 30, 2011)
- *Foster v. Northeast Ohio Correctional Center*, No. 4:25-CV-295, 2025 WL 2917112, at *4 (N.D. Ohio Oct. 14, 2025)
- *Anderson v. South Central Correctional Facility*, No. 1:14-21, 2016 WL 54921 (M.D. Tenn. Jan. 5, 2016)
- *Tester v. Hurm*, No. 09-318, 2011 WL 6056407, at *3 (E.D. Ky. Dec. 6, 2011)
- *Edison v. Douberly*, 604 F.3d 1307, 1310 (11th Cir. 2010)
- *Henderson v. Martin*, 73 F. App'x 115, 117 (6th Cir. 2003)
- *Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996)
- *Edelstein v. Flottman*, No. 24-3156, 2025 WL 609487, at *3 (6th Cir. Jan. 10, 2025)

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