

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Christopher Stephen Jones v. Frank Strada, Shawn Phillips, Brett
Cobble, Allan Lewis, Tim Mooneyham, Jessica Brown, and Zack
Koczwara

Jones · No. 3:23-CV-9-KAC-DCP · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Tennessee denied Plaintiff Christopher Stephen Jones’s motion to revive Brian Cox as a party defendant and add a 42 U.S.C. § 1983 conspiracy claim. The court held that the motion was untimely and, alternatively, that the proffered evidence did not plausibly establish a conspiratorial agreement or constitutional violation. The court also certified that any appeal would not be taken in good faith and denied leave to appeal in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Katherine A. Crytzer
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	November 21, 2025
DOCKET	3:23-CV-9-KAC-DCP
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 54(b) to revive Brian Cox as a party defendant and add a § 1983 civil-conspiracy claim based on alleged new evidence. The district court denied the motion as untimely and meritless.
STANDARD OF REVIEW	A motion to reconsider an interlocutory order under Federal Rule of Civil Procedure 54(b) is considered under the grounds of an intervening change in controlling law, newly available evidence, or the need to correct clear error or prevent manifest injustice. The court also assessed whether the proposed conspiracy allegations plausibly stated a claim under § 1983.
PRECEDENTIAL VALUE	unpublished

TOPICS

motion for reconsideration

section 1983

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff's motion to revive Brian Cox as a defendant and add a § 1983 conspiracy claim was timely under the case's scheduling order and Federal Rule of Civil Procedure 6(b).
2. Whether the alleged new evidence satisfied the standard for reconsideration of an interlocutory order under Federal Rule of Civil Procedure 54(b).
3. Whether the alleged communication between Cox and Plaintiff's supervisor plausibly established the elements of a § 1983 civil-conspiracy claim.

HOLDINGS

1. The motion was untimely and improper because Plaintiff filed it after the motions deadline and did not seek to reopen the deadline or show good cause.
2. Even if timely, the motion did not satisfy Rule 54(b)'s standard for reconsideration because the asserted new evidence did not justify reopening the prior order.
3. A § 1983 civil-conspiracy claim requires plausible allegations of a single plan, a shared conspiratorial objective to deprive the plaintiff of constitutional rights, and an overt act; vague and conclusory allegations unsupported by material facts are insufficient.

KEY QUOTATIONS

“Courts will find justification for reconsidering interlocutory orders where there is (1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice.” (Analysis)

“To state a civil conspiracy claim, Plaintiff must plausibly allege (1) the existence of a single plan, (2) a conspiratorial objective shared by the conspirators to deprive Plaintiff of his constitutional rights, (3) and the commission of an overt act.” (Analysis)

FACTUAL BACKGROUND

Plaintiff is a pro se prisoner in Tennessee Department of Correction custody. He alleged that Tennessee correctional employees retaliated against him, conspired to violate his rights, and violated constitutional and other legal provisions. The proposed new evidence was an affidavit stating that Brian Cox called Plaintiff's supervisor as a courtesy to inform the supervisor that Plaintiff was being transferred to a different job; the court found that this communication did not show a shared objective to deprive Plaintiff of constitutional rights.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint asserting multiple constitutional, statutory, and state-law theories. On screening under the Prison Litigation Reform Act, the court allowed only First Amendment retaliation claims to proceed, dismissed Cox, and rejected the conspiracy allegations as insufficient. Plaintiff later filed a purported second amended complaint, which the court struck for failing to state a plausible conspiracy claim. Plaintiff then filed the motion at issue, which the court denied and certified that any appeal would not be taken in good faith.

DISPOSITION

denied

CASES CITED

- Adkisson v. Jacobs Eng'g Grp., Inc., 36 F.4th 686, 694 (6th Cir. 2022)
- Louisville/Jefferson Cnty. Metro Gov't v. Hotels.com, L.P., 590 F.3d 381, 389 (6th Cir. 2009)
- Rodriguez v. Tenn. Laborers Health & Welfare Fund, 89 F. App'x 949, 959 (6th Cir. 2004)
- Bailey v. Real Time Staffing Servs., Inc., 927 F. Supp. 2d 490, 501 (W.D. Tenn. 2013)
- Revis v. Meldrum, 489 F.3d 273, 290 (6th Cir. 2007)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 564-65 (2007)
- Gutierrez v. Lynch, 826 F.2d 1534, 1538 (6th Cir. 1987)
- Huffer v. Bogan, 503 F. App'x 455, 462 (6th Cir. 2012)
- Regets v. City of Plymouth, 568 F. App'x 380, 391 (6th Cir. 2014)
- Moore v. City of Paducah, 890 F.2d 831, 834 (6th Cir. 1989)
- McVeigh v. Bartlett, No. 94-23347, 1995 WL 236687, at *1 (6th Cir. 1995)

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