

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PRECEDENTIAL VALUE	unpublished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)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE CHRISTOPHER STEPHEN JONES,)) Plaintiff,)) v.) No.: 3:23-CV-9-KAC-DCP) FRANK STRADA,) SHAWN PHILLIPS,) BRETT COBBLE,) ALLAN LEWIS,) TIM MOONEYHAM,) JESSICA BROWN, and) ZACK KOCZWARA,)) Defendants.)
MEMORANDUM AND ORDER Before the Court is Plaintiff's "Motion to Revive Party Defendant and § 1983 Claim" [Doc.

137]. For the reasons below, the Court denies Plaintiff's Motion [Doc. 137]. I. BACKGROUND Plaintiff is a pro se prisoner in the custody of the Tennessee Department of Correction ("TDOC"). He filed an Amended Complaint alleging that certain defendants retaliated against him, conspired to violate his rights, violated his due process and equal protection rights, violated his rights under Tennessee law and TDOC policy, and engaged in conduct that violated various federal statutes [See, generally, Doc.

9]. When the Court screened Plaintiff's Amended Complaint in compliance with the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, it only permitted his

First Amendment retaliation claims to proceed [See, generally, Doc. 10].

The Court, as relevant here, (1) dismissed Brian Cox as a defendant because Plaintiff “fail[ed] to allege facts connecting Defendant[.]... Cox with any constitutional wrongdoing”; (2) concluded that Plaintiff failed to allege sufficient facts to support a claim for conspiracy; and (3) concluded that the failure to follow TDOC policy alone did not rise to the level of a constitutional violation [Doc.

10 at 20-23, 29, 30]. Plaintiff then filed a purported Second Amended Complaint, again seeking to raise claims of conspiracy against Cox [Doc. 12 ¶¶ 14, 28-32, 91]. In support of his claims, Plaintiff alleged that Cox conspired with another TDOC employee to remove Plaintiff from his job and in doing so, violated TDOC policies [Id. ¶ 30].

The Court screened Plaintiff’s Second Amended Complaint, concluded it did not contain enough facts to support a plausible conspiracy claim, and struck it from the record [See Doc. 36 at 4]. Plaintiff now asks the Court to again “revive Brian Cox as a party defendant” and add a civil conspiracy claim [Doc. 137 at 1].

To support his Motion, Plaintiff points to an affidavit Cox filed in this action on May 14, 2025, in which Cox stated that he called Plaintiff’s supervisor as a courtesy to inform him that Plaintiff was being transferred to a different job [Doc. 99 ¶ 19]. Plaintiff maintains that this evidence now provides the factual specificity required to adequately support his conspiracy claim [Doc.

137 at 1-2]. It does not. II. ANALYSIS As an initial matter, Plaintiff’s Motion is untimely. Plaintiff filed his Motion on October 14, 2025, at the earliest [Doc. 137 at 3 (“Dated: October 14, 2025”)]. But the motions deadline in this case expired on May 14, 2025 [See Docs. 77, 130]. And Plaintiff did not move to reopen the motion deadline or show good cause to do so.

See Fed. R. Civ. P. 6(b). Therefore, the Motion is untimely and improper. Even if the Motion were properly filed, it fails on the merits. Federal Rule of Civil Procedure 54(b) recognizes a Court’s authority “to reconsider interlocutory orders and to reopen any part of a case before entry of a final judgment.” See *Adkisson v. Jacobs Eng’g Grp., Inc.*, 36 F.4th 686, 694 (6th Cir.

2022) (citation omitted). “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.” *Louisville/Jefferson Cnty. Metro Gov’t v. Hotels.com, L.P.*, 590 F.3d 381, 389 (6th Cir. 2009) (quoting *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 F. App’x 949, 959 (6th Cir.

2004)). But Rule 54(b) motions “may not be used to relitigate old matters.” *Bailey v. Real Time Staffing Servs., Inc.*, 927 F. Supp. 2d 490, 501 (W.D. Tenn. 2012) (quotation omitted). 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.

See *Revis v. Meldrum*, 489 F.3d 273, 290 (6th Cir. 2007). The conspiracy must be pled with particularity—vague and conclusory allegations unsupported by material facts are insufficient. *Bell Atl. Corp v. Twombly*, 550 U.S. 544, 564–65 (2007) (holding that allegations must be supported with factual allegations that render the claim “plausible”); *Gutierrez v. Lunch*, 826 F.2d 1534, 1538 (6th Cir.

1987) (“[C]onspiracy claims must be pled with some degree of specificity” and “vague and conclusory allegations unsupported by material facts will not be sufficient to state such a claim under § 1983.”). Here, Plaintiff allegedly identifies “new evidence” in the Cox Affidavit [See Doc. 137 ¶ 8]. But the “new evidence” he offers is not sufficient to support a claim for civil conspiracy against Cox or others.

The fact that Cox called Plaintiff’s supervisor as a courtesy before moving Plaintiff to another job is not proof that the two shared a conspiratorial objective to deprive Plaintiff of his rights. See *Huffer v. Bogan*, 503 F. App’x 455, 462 (6th Cir. 2012) (holding that the plaintiff failed to state a conspiracy claim where he “merely described the actions taken by various individual defendants, asserting that their actions were taken in furtherance of a conspiracy,” and failed “to include allegations regarding an agreement or shared plan between the individual defendants to violate his civil rights”); see also *Regets v. City of Plymouth*, 568 F. App’x 380, 391 (6th Cir.

2014) (finding unsubstantiated “speculation and conjecture” regarding agreements between various actors “insufficient to establish the existence of an agreement” for a conspiracy claim (citing *Moore v. City of Paducah*, 890 F.2d 831, 834 (6th Cir. 1989))).

Accordingly, even with this “new evidence,” Plaintiff has not stated a claim for relief under Section 1983. Without that, there is no basis for the Court to grant relief under Rule 54(b).1 III. CONCLUSION For the reasons above, the Court DENIES Plaintiff’s “Motion to Revive Party Defendant and § 1983 Claim” [Doc. 137].

The Court CERTIFIES that any appeal from this action would not be taken in good faith and would be totally frivolous. See Fed. R. App. P. 24. Therefore, should Plaintiff file a notice of appeal, he is DENIED leave to appeal in forma pauperis. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24. Nothing remains of this action. An appropriate judgment shall enter.

SO ORDERED. ENTER: /s/ Katherine A. Crytzer KATHERINE A. CRYTZER United States District Judge 1 Further, even if Cox violated a TDOC policy in calling Plaintiff’s supervisor or moving Plaintiff to another job, such conduct does not, alone, violate Plaintiff’s constitutional rights. See, e.g., *McVeigh v. Bartlett*, No. 94-23347, 1995 WL 236687, at *1 (6th Cir.

1995).

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