

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

Richard McLemore v. County of Mahoning, et al.

McLemore · No. 4:23-cv-1144 · Decided December 9, 2025

SUMMARY

The United States District Court for the Northern District of Ohio dismissed Richard McLemore’s § 1983 claims against Wellpath, LLC and two nurses based on Wellpath’s bankruptcy reorganization plan and related releases. The court granted summary judgment to the County Defendants, holding that McLemore failed to provide sufficient evidence of deliberate indifference in medical care or unconstitutional conditions of confinement. The court denied as moot the Wellpath and Nurses’ pending summary judgment motion and dismissed the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| COURT                 | United States District Court for the Northern District of Ohio, Eastern Division                                                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Sara Lioi, Chief Judge                                                                                                                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Northern District of Ohio, Eastern Division                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | December 9, 2025                                                                                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 4:23-cv-1144                                                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Plaintiff brought claims under 42 U.S.C. § 1983 concerning allegedly inadequate medical care and unconstitutional conditions of confinement while incarcerated. After discovery, the County Defendants moved for summary judgment. Wellpath and its nurses separately sought dismissal or judgment on the pleadings based on Wellpath's bankruptcy reorganization plan and related releases.                           |
| STANDARD OF REVIEW    | Rule 12(b)(6) and Rule 12(c) motions are governed by the same standard. Summary judgment is proper when the movant shows that no genuine dispute as to any material fact exists and the movant is entitled to judgment as a matter of law. The nonmoving party must go beyond the pleadings and present evidentiary material; the court draws reasonable inferences in that party's favor but does not weigh evidence. |

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| <b>PRECEDENTIAL VALUE</b> | unpublished                                                                                                                                                                                                                          |
| <b>PARTIES</b>            | Richard McLemore v. County of Mahoning, Mahoning County Commissioners, Mahoning County Sheriff Greene, Captain Kountz, Captain Cappabianca, Sergeant Graham, Sergeant Wallace, Wellpath, LLC, Nurse Renee Van Dyke, Nurse Beth Rambo |

## TOPICS

[prisoners rights](#)
[section 1983](#)
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## PRACTICE AREAS

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## QUESTIONS PRESENTED

1. Whether Wellpath's bankruptcy discharge and reorganization-plan injunction required dismissal of McLemore's claims against Wellpath.
2. Whether the bankruptcy-plan release, where McLemore did not opt out, required dismissal of his claims against Wellpath's nurses.
3. Whether the evidence established an Eighth Amendment deliberate-indifference violation based on the medical care McLemore received.
4. Whether the alleged overcrowding, lockdowns, unsanitary conditions, and lack of particular foods constituted unconstitutional conditions of confinement.
5. Whether McLemore could maintain Monell claims against Mahoning County or official-capacity claims absent an underlying constitutional violation.

## HOLDINGS

1. Wellpath's bankruptcy-confirmation plan discharged McLemore's claims against Wellpath and enjoined efforts to pursue them, so the claims against Wellpath had to be dismissed.
2. The claims against Wellpath's nurses were dismissed because the bankruptcy-plan release extinguished claims against nondebtor released parties and McLemore did not opt out.
3. Summary judgment was warranted on McLemore's inadequate-medical-care claim because he received ongoing medical treatment and presented no medical proof or expert evidence showing that the treatment was grossly inadequate or caused a detrimental effect.
4. The alleged overcrowding, lockdowns, double bunking, toilet problems, and meals lacking fruits and fish did not establish an Eighth Amendment violation on the record presented.
5. The claims against Mahoning County and any official-capacity claims failed because McLemore did not establish an underlying constitutional violation or a County policy or custom that was the moving force behind one.

## KEY QUOTATIONS

*“The court need consider only the cited materials, but it may consider other materials in the record.”*  
(Section III.A)

*“when “a prisoner alleges only that the medical care he received was inadequate, federal courts are generally reluctant to second guess medical judgments.””* (Section III.B.i)

*“The Eighth Amendment is only violated if a prison official acts with deliberately indifference in denying a prisoner “the minimal civilized measure of life’s necessities[.]””* (Section III.B.ii)

## FACTUAL BACKGROUND

McLemore was incarcerated at the Mahoning County Justice Center from May through October 2023. He alleged that a thin mattress aggravated preexisting pain, that he received inadequate treatment for a facial infection, and that the jail's overcrowding, lockdowns, sanitation problems, and meals lacking fruits and fish violated the Eighth Amendment. The record showed that medical personnel repeatedly evaluated and treated him, including prescribing medication, recommending stretching, providing extra blankets, and sending him to a hospital. He offered no medical or expert evidence showing that the treatment was grossly inadequate, that the conditions caused actual injury, or that the food failed to meet his nutritional needs.

## PROCEDURAL HISTORY

McLemore filed an amended complaint against County-related defendants, Wellpath, and Wellpath employees. The parties proceeded through discovery, after which the County Defendants and Wellpath moved for summary judgment. Wellpath's bankruptcy stayed the case; after the stay was lifted, Wellpath moved to dismiss and the nurses moved for judgment on the pleadings. The court granted those motions, denied Wellpath and the nurses' summary-judgment motion as moot, granted the County Defendants' summary-judgment motion, and dismissed the case.

## DISPOSITION

dismissed

## CASES CITED

- *Guarino v. Brookfield Township Trustees*, 980 F.2d 399 (6th Cir. 1992)
- *Monroe Retail, Inc. v. RBS Citizens, N.A.*, 589 F.3d 274 (6th Cir. 2009)
- *EEOC v. J.H. Routh Packing Co.*, 246 F.3d 850 (6th Cir. 2001)
- *Harrington v. Purdue Pharma L.P.*, 603 U.S. 204 (2024)
- *In re Spirit Airlines, Inc.*, 668 B.R. 689 (Bankr. S.D.N.Y. 2025)
- *In re GOL Linhas Aereas Inteligentes S.A.*, No. 24-10118, 2025 WL 1466055 (Bankr. S.D.N.Y. May 22, 2025)
- *In re Lavie Care Centers, LLC*, No. 24-55507, 2024 WL 4988600 (Bankr. N.D. Ga. Dec. 5, 2024)
- *In re Dow Corning Corp.*, 280 F.3d 648 (6th Cir. 2002)

- In re United Producers, Inc., 353 B.R. 507 (B.A.P. 6th Cir. 2006), aff'd, 526 F.3d 942 (6th Cir. 2008)
- Hancock v. Dodson, 958 F.2d 1367 (6th Cir. 1992)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Farmer v. Brennan, 511 U.S. 825 (1994)
- Phillips v. Tangilag, 14 F.4th 524 (6th Cir. 2021)
- Wilson v. Williams, 961 F.3d 829 (6th Cir. 2020)
- Rhodes v. Chapman, 452 U.S. 337 (1981)
- Hudson v. McMillian, 503 U.S. 1 (1992)
- Griffith v. Franklin County, 975 F.3d 554 (6th Cir. 2020)
- Alspaugh v. McConnell, 643 F.3d 162 (6th Cir. 2011)
- Rhinehart v. Scutt, 894 F.3d 721 (6th Cir. 2018)
- Gooden v. City of Memphis Police Department, 67 F. App'x 893 (6th Cir. 2003)
- Barker v. Goodrich, 649 F.3d 428 (6th Cir. 2011)
- Bishawi v. Northeast Ohio Correctional Center, 628 F. App'x 339 (6th Cir. 2016)
- White v. Mahoning County Justice Center, No. 4:23-cv-1962, 2024 WL 278110 (N.D. Ohio Jan. 25, 2024)
- Robinson v. Jackson, 615 F. App'x 310 (6th Cir. 2015)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978)
- Kentucky v. Graham, 473 U.S. 159 (1985)
- Jackson v. City of Cleveland, 925 F.3d 793 (6th Cir. 2019)
- Robertson v. Lucas, 753 F.3d 606 (6th Cir. 2014)
- S.J. v. Hamilton County, Ohio, 37 F.3d 416 (6th Cir. 2004)