

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Tavon M. Mouzone v. Holly Hoover, et al.

Mouzone · No. Civ. No. DLB-25-624 · Decided March 17, 2026

SUMMARY

The United States District Court for the District of Maryland dismissed without prejudice Tavon M. Mouzone’s 42 U.S.C. § 1983 claims alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment. The court held that the complaint did not plausibly allege deliberate indifference by YesCare, Swick, Dr. Uzicanin, Hoover, or Fazenbaker, and treated the defendants’ motions as motions to dismiss.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Deborah L. Boardman
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 17, 2026
DOCKET	Civ. No. DLB-25-624
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment. Defendants moved to dismiss or, alternatively, for summary judgment. The court treated the motions as motions to dismiss and granted them.
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 complaint states a plausible claim for relief. Legal conclusions, unwarranted inferences, and conclusory allegations are not accepted as true. Pro se pleadings are construed liberally but must still contain enough facts to state a plausible claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tavon M. Mouzone v. Holly Hoover, Kristine Swick, Kimberly Fazenbaker, Dr. Ernest Uzicanin, YesCare Corp.

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner medical care

civil procedure

QUESTIONS PRESENTED

1. Whether Mouzone plausibly alleged that YesCare Corp. was liable under § 1983 for a policy or custom causing deliberate indifference to his medical needs.
2. Whether Mouzone plausibly alleged that Swick was deliberately indifferent to his serious medical needs.
3. Whether Mouzone plausibly alleged that Dr. Uzicanin was deliberately indifferent by referring him to physical therapy rather than prescribing pain medication.
4. Whether Mouzone plausibly alleged that Hoover was deliberately indifferent by approving physical therapy and prescribing ibuprofen rather than providing surgery, an MRI, or specialist care.
5. Whether Mouzone plausibly alleged that Fazenbaker was deliberately indifferent by declining to treat his inability to move his arm as an emergency and later stating that she could do nothing for him.

HOLDINGS

1. A private corporation acting under color of state law cannot be held liable under § 1983 solely because it employs an alleged tortfeasor; the plaintiff must plausibly identify a policy or custom that caused the constitutional injury. Mouzone did not do so.
2. A complaint does not plausibly state deliberate indifference merely by alleging that a medical provider observed a prisoner's shoulder swelling and pain and returned him to his cell without describing what treatment the provider provided or failed to provide.
3. A prisoner's disagreement with a physician's treatment judgment, without facts showing that the physician knowingly and recklessly disregarded a serious medical need, does not state an Eighth Amendment deliberate-indifference claim.
4. Providing physical therapy and ibuprofen does not plausibly constitute deliberate indifference merely because the prisoner preferred surgery, an MRI, or specialist care, or because the treatment later failed to relieve his pain.
5. A prison medical provider's decision not to treat an inmate's inability to move his arm as an emergency, coupled with an instruction to submit a sick-call slip, does not plausibly establish deliberate indifference absent facts showing that the decision was reckless in light of the provider's actual knowledge. A context-free statement that the provider could do nothing likewise is insufficient.

KEY QUOTATIONS

“Deliberate indifference is a very high standard—a showing of mere negligence will not meet it.”

“A private corporation that acts on behalf of a state actor, such as YesCare, may be found liable under a Monell theory of liability under limited circumstances.”

“At best, this allegation suggests that Mouzone disagreed with Dr. Uzicanin’s medical judgment about how to most effectively treat his shoulder injury.”

FACTUAL BACKGROUND

Mouzone, a prisoner at North Branch Correctional Institution, developed significant right-shoulder pain in March 2024 and was later diagnosed with a torn rotator cuff and an acromioclavicular-joint injury. He alleged that medical personnel provided or approved physical therapy and ibuprofen, did not provide requested imaging, surgery, or specialist care, and on some occasions required him to submit sick-call slips rather than treating his inability to move his arm as an emergency. He was eventually taken to the University of Pittsburgh Medical Center for an MRI, and he sued seeking damages and injunctive relief.

PROCEDURAL HISTORY

Mouzone filed the action on February 24, 2025, seeking damages and injunctive relief concerning treatment of his shoulder injury while incarcerated at North Branch Correctional Institution. Hoover, Swick, Fazenbaker, and Uzicanin moved to dismiss or for summary judgment; YesCare did not respond. The court declined to consider new allegations raised in Mouzone's opposition, treated the motions as motions to dismiss because it did not rely on the submitted evidence, and dismissed all claims without prejudice.

DISPOSITION

dismissed

CASES CITED

- Robertson v. Anderson Mill Elementary School, 989 F.3d 282, 290 (4th Cir. 2021)
- Lokhova v. Halper, 995 F.3d 134, 141 (4th Cir. 2021)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Holloway v. Maryland, 32 F.4th 293, 299 (4th Cir. 2022)
- Int’l Refugee Assistance Project v. Trump, 961 F.3d 635, 648 (4th Cir. 2020)
- Jesus Christ Is the Answer Ministries, Inc. v. Baltimore County, 915 F.3d 256, 263 (4th Cir. 2019)
- Williams v. Kincaid, 45 F.4th 759, 765 (4th Cir. 2022)
- United States ex rel. Taylor v. Boyko, 39 F.4th 177, 189 (4th Cir. 2022)
- Sheppard v. Visitors of Virginia State University, 993 F.3d 230, 234 (4th Cir. 2021)
- Ray v. Roane, 948 F.3d 222, 226 (4th Cir. 2020)
- Tobey v. Jones, 706 F.3d 379, 387 (4th Cir. 2013)
- Goines v. Valley Community Services Board, 822 F.3d 159, 167 (4th Cir. 2016)
- Zak v. Chelsea Therapeutics International, Ltd., 780 F.3d 597, 606-07 (4th Cir. 2015)
- Folkes v. Nelsen, 34 F.4th 258, 272 (4th Cir. 2022)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Bing v. Brivo Systems, LLC, 959 F.3d 605, 618 (4th Cir. 2020)

- Williams v. Ozmint, 716 F.3d 801, 805 (4th Cir. 2013)
- Thomas v. Salvation Army Southern Territory, 841 F.3d 632, 637 (4th Cir. 2016)
- King v. Rubenstein, 825 F.3d 206, 212, 214 (4th Cir. 2016)
- City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 707 (1999)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)
- West v. Atkins, 487 U.S. 42, 45 n.3, 48 (1988)
- Thompson v. Virginia, 878 F.3d 89, 97 (4th Cir. 2017)
- Estelle v. Gamble, 429 U.S. 97, 102-03, 106 (1976)
- Anderson v. Kingsley, 877 F.3d 539, 543 (4th Cir. 2017)
- Grayson v. Peed, 195 F.3d 692, 695 (4th Cir. 1999)
- Farmer v. Brennan, 511 U.S. 825, 834-40, 844 (1994)
- Rich v. Bruce, 129 F.3d 336, 340 n.2 (4th Cir. 1997)
- Brice v. Virginia Beach Correctional Center, 58 F.3d 101, 105 (4th Cir. 1995)
- Scinto v. Stansberry, 841 F.3d 219, 225-26 (4th Cir. 2016)
- Makdessi v. Fields, 789 F.3d 126, 133 (4th Cir. 2015)
- Cox v. Quinn, 828 F.3d 227, 236 (4th Cir. 2016)
- Brown v. Harris, 240 F.3d 383, 390 (4th Cir. 2001)
- Liebe v. Norton, 157 F.3d 574, 577 (8th Cir. 1998)
- Johnson v. Quinones, 145 F.3d 164, 166 (4th Cir. 1998)
- Wright v. Collins, 766 F.2d 841, 849 (4th Cir. 1985)
- United States v. Clawson, 650 F.3d 530, 538 (4th Cir. 2011)
- Bowring v. Godwin, 551 F.2d 44, 48 (4th Cir. 1977)
- Monell v. Department of Social Services, 436 U.S. 658, 690, 694 (1978)
- Austin v. Paramount Parks, Inc., 195 F.3d 715, 728 (4th Cir. 1999)
- Board of County Commissioners v. Brown, 520 U.S. 397, 403 (1997)
- Lytle v. Doyle, 326 F.3d 463, 471 (4th Cir. 2003)
- Carter v. Morris, 164 F.3d 215, 217 (4th Cir. 1999)
- Powell v. Shopco Laurel Co., 678 F.2d 504, 506 (4th Cir. 1982)
- S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC, 713 F.3d 175, 184 (4th Cir. 2013)
- Moreno v. Bosholm, 151 F.4th 543, 574 (4th Cir. 2025)
- Sears v. Price, No. 5:11-CT-3208-FL, 2014 WL 1266830, at *18 (E.D.N.C. Mar. 26, 2014)
- Godfrey v. Russell, No. 7:14CV00476, 2015 WL 5657037, at *7 (W.D. Va. Sept. 24, 2015), *aff'd*, 667 F. App'x 68 (4th Cir. 2016)

