

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION**

Mitchell Freeman # 520969 v. Rudd Medical Center, et al.

No. 3:25-cv-00129 (M.D. Tenn. Dec. 3, 2025) · No. 3:25-cv-00129 · Decided December 3, 2025

OPINION

MITCHELL FREEMAN # 520969 v. RUDD MEDICAL CENTER, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE

MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

MITCHELL FREEMAN # 520969,)

) Plaintiff,)) NO. 3:25-cv-00129 v.)

) JUDGE CAMPBELL

RUDD MEDICAL CENTER, et al.,) MAGISTRATE JUDGE HOLMES

) Defendants.))

MEMORANDUM OPINION AND ORDER

Plaintiff Mitchell Freeman, an inmate of the South Central Correctional Center (“SCCC”) in Clifton, Tennessee, filed a pro se complaint, alleging violations of Plaintiff’s civil rights. (Doc. No. 1). Plaintiff also filed an Application for Leave for Proceed In Forma Pauperis (“IFP Application”) (Doc. No. 2) and a Motion to Appoint Counsel (Doc. No. 9). The Court must begin with the filing fee.

I. FILING FEE

Under the Prisoner Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(a), a prisoner bringing a civil action may be permitted to file suit without prepaying the filing fee required by 28 U.S.C. § 1914(a). From a review of Plaintiff’s IFP Application and supporting documentation (Doc. Nos. 2, 8), it appears that Plaintiff lacks sufficient financial resources from which to pay the full filing fee in advance. Therefore, his IFP Application (Doc. No. 2) is GRANTED. Under § 1915(b), Plaintiff nonetheless remains responsible for paying the full filing fee. The obligation to pay the fee accrues at the time the case is filed, but the PLRA provides prisoner- plaintiffs the opportunity to make a “down payment” of a partial filing fee and to pay the remainder in installments. Accordingly, Plaintiff is hereby assessed the full civil filing fee of \$350, to be paid as follows:

(1) The custodian of Plaintiff’s inmate trust fund account at the institution where he now resides is DIRECTED to submit to the Clerk of Court, as an initial payment, “20 percent of the greater of – (a) the average monthly deposits to Plaintiff’s account; or (b) the average monthly balance in Plaintiff’s account for the 6-month period immediately preceding the filing of the

complaint.” 28 U.S.C. § 1915(b)(1).

(2) After the initial filing fee is fully paid, the trust fund officer must withdraw from Plaintiff’s account and pay to the Clerk of this Court monthly payments equal to 20% of all deposits credited to Plaintiff’s account during the preceding month, but only when the amount in the account exceeds \$10. Such payments must continue until the entire filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

(3) Each time the trust account officer makes a payment to this court as required by this Order, he or she must print a copy of the prisoner’s account statement showing all activity in the account since the last payment made in accordance with this Order and submit it to the Clerk along with the payment. All submissions to the Court must clearly identify Plaintiff’s name and the case number as indicated on the first page of this Order, and must be mailed to: Clerk, United States District Court, Middle District of Tennessee, 719 Church Street, Nashville, TN 37203. The Clerk of Court is DIRECTED send a copy of this Order to the administrator of inmate trust fund accounts at the SCCC to ensure that the custodian of Plaintiff’s inmate trust account complies with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If Plaintiff is transferred from his present place of confinement, the custodian of his inmate trust fund account MUST ensure that a copy of this Order follows Plaintiff to his new place of confinement for continued compliance.

II. MOTION TO APPOINT COUNSEL

Next, Plaintiff has filed a Motion to Appoint Counsel. (Doc. No. 9). However, his motion is not signed. Federal Rule of Civil Procedure 11(a) requires that “every pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Thus, the Court cannot consider Plaintiff’s motion. Even if Plaintiff had signed the motion, however, it would not be granted. The Supreme Court has held that “an indigent’s right to appointed counsel . . . exists only where the litigant may lose his physical liberty if he loses the litigation.” *Lassiter v. Dep’t of Social Servs.*, 452 U.S. 18, 25 (1981). Thus, unlike in criminal proceedings, there is no constitutional right to an appointed counsel in a civil action, such as this action. *Willett v. Wells*, 469 F. Supp. 748, 751 (E.D. Tenn. 1977), *aff’d*, 595 F.2d 1227 (6th Cir. 1979); see *Williamson v. Autorama, Inc.*, No. 91-5759, 947 F.2d 947 (6th Cir. 1991) (citing *Willett* favorably). The appointment of counsel for a civil litigant is a matter within the discretion of the district court and will occur only under exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993). Plaintiff does not provide any reasons to support his request for counsel. Thus, even if he had signed the motion, Plaintiff has not demonstrated exceptional circumstances warranting the appointment of counsel. His Motion to Appoint Counsel (Doc. No. 9) is DENIED.

III. PLRA SCREENING OF THE COMPLAINT

The complaint is before the Court for an initial review pursuant to the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(e)(2) and 1915A. Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss any portion of a civil complaint filed in forma pauperis that fails to state a claim

upon which relief can be granted, is frivolous, or seeks monetary relief from a defendant who is immune from such relief. Section 1915A similarly requires initial review of any “complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity,” *id.* § 1915A(a), and summary dismissal of the complaint on the same grounds as those articulated in Section 1915(e)(2)(B). *Id.* § 1915A(b). The court must construe a pro se complaint liberally, *United States v. Smotherman*, 838 F.3d 736, 739 (6th Cir. 2016) (citing *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)), and accept the plaintiff’s factual allegations as true unless they are entirely without credibility. See *Thomas v. Eby*, 481 F.3d 434, 437 (6th Cir. 2007) (citing *Denton v. Hernandez*, 504 U.S. 25, 33 (1992)). Although pro se pleadings are to be held to a less stringent standard than formal pleadings drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991), the courts’ “duty to be ‘less stringent’ with pro se complaints does not require us to conjure up [unpleaded] allegations.” *McDonald v. Hall*, 610 F.2d 16, 19 (1st Cir. 1979) (citation omitted).

A. Section 1983 Standard Plaintiff brings his claims under 42 U.S.C. § 1983 which creates a cause of action against any person who, acting under color of state law, abridges “rights, privileges, or immunities secured by the Constitution and laws” To state a claim under Section 1983, a plaintiff must allege and show two elements: (1) that he was deprived of a right secured by the Constitution or laws of the United States; and (2) that the deprivation was caused by a person acting under color of state law. *Dominguez v. Corr. Med. Servs.*, 555 F.3d 543, 549 (6th Cir. 2009) (quoting *Sigley v. City of Panama Heights*, 437 F.3d 527, 533 (6th Cir. 2006)); 42 U.S.C. § 1983.

B. Facts Alleged in the Complaint The allegations of the complaint are assumed true for purposes of the required PLRA screening. On May 11, 2025, Plaintiff slipped and fell while in the custody of the Rutherford County Detention Center. There was not a “wet floor” sign warning him. He went to the medical department that day for injuries he believed he sustained during the fall and was given ibuprofen, which he does not feel was sufficient to help his back pain. He has continued to seek additional medical treatment but has not received any over the course of eight months. As relief, he seeks medical treatment for all prisoners who need it.

C. Analysis The complaint names as Defendants the Rutherford County Detention Center and an unidentified doctor at the Rudd Medical Center in his/her official capacity only. (Doc. No. 1 at 2). The Rutherford County Detention Center is a building; it is not a “person” who can be sued under 42 U.S.C. § 1983. *Plemons v. CoreCivic Admin. Headquarters*, No. 3:18-cv-00498, 2018 WL 4094816, at *3 (M.D. Tenn. Aug. 28, 2018) (quoting *McIntosh v. Camp Brighton*, No. 14- CV-11327, 2014 WL 1584173, at *2 (E.D. Mich. Apr. 21, 2014) (collecting cases establishing that prison facilities are inappropriate defendants under Section 1983)); *Fuller v. Cocran*, No. 1:05- CV-76, 2005 WL 1802415, at *3 (E.D. Tenn. July 27, 2005) (dismissing claims against the Bradley County Justice Center because is not a suable entity under Section 1983). Thus, Plaintiff’s claims against the Rutherford County Detention Center must be dismissed. As for Plaintiff’s claims against the unidentified doctor in his/her official capacity, when a defendant is sued in his or her official capacity as an employee of

the government, the lawsuit is directed against “the entity for which the officer is an agent.” *Pusey v. City of Youngstown*, 11 F.3d 652, 657 (6th Cir. 1993). The complaint alleges that the doctor is an employee of “Rudd Medical Center.” It appears that Rudd Medical is the entity responsible for providing medical care to inmates housed at the Rutherford County Detention Center. See *Rose v. Rutherford Cnty. Sheriff’s Office*, No. 3:22-cv-00046, 2022 WL 323977, at *3 (M.D. Tenn. Feb. 2, 2022) (noting that “Rudd Medical” appears to be the entity responsible for providing medical care to Rutherford County Adult Detention Center inmates). Because Rudd Medical performs a traditional state function in providing medical care to state inmates, Rudd Medical acts under the color of state law and is capable of being sued under Section 1983. See *Street v. Corr. Corp. of Am.*, 102 F.3d 810, 814 (6th Cir. 1996). For Rudd Medical to be liable under Section 1983, Plaintiff must allege that there is a direct causal link between a policy or custom of Rudd Medical and the alleged constitutional violation. See *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978). In other words, Rudd Medical may be liable under Section 1983 “if its official policies or customs resulted in injury to the plaintiff.” *O’Brien v. Mich. Dep’t of Corr.*, 592 F. App’x 338, 341 (6th Cir. 2014); see also *Mason v. Doe*, No. 3:12CV-P794-H, 2013 WL 4500107, at *1 (W.D. Ky. Aug. 21, 2013) (collecting cases) (“a private corporation may be liable under § 1983 when an official policy or custom of the corporation causes the alleged deprivation of a federal right”). Section 1983 does not permit the imposition of liability based upon respondeat superior. See *Street*, 102 F.3d at 818. Thus, liability attaches only if Rudd Medical’s policies are shown to be the “moving force” behind Plaintiff’s injuries. *City of Canton v. Harris*, 489 U.S. 378, 388 (1989). The plaintiff must “identify the policy, connect the policy to the [entity] itself and show that the particular injury was incurred because of the execution of that policy.” *Garner v. Memphis Police Dep’t*, 8 F.3d 358, 353-64 (6th Cir. 1993). Here, Plaintiff does not identify any official Rudd Medical policy, practice, or custom, nor does he contend that any official Rudd medical policy, practice, or custom caused the alleged deprivation of his rights. Because Plaintiff does not allege that the alleged violations of his rights were caused by an official Rudd Medical policy, practice, or custom, his claims against the unidentified doctor in his/her official capacity—which are claims against Rudd Medical—fail to state claims under Section 1983 against which relief can be granted. The Court is mindful of Plaintiff’s pro se status. However, even if Plaintiff had named viable Defendants to this action, the complaint still would be subject to dismissal. The Eighth Amendment to the United States Constitution requires that inmates be provided with reasonably adequate food, clothing, shelter, sanitation, recreation, and medical care. See *Grubbs v. Bradley*, 552 F. Supp. 1052, 1119-24 (M.D. Tenn. 1982). The failure to provide such necessities is a violation of an inmate’s right to be free from cruel and unusual punishment. See *Bellamy v. Bradley*, 729 F.2d 416, 419 (6th Cir. 1984). The United States Supreme Court has held that deliberate indifference to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain proscribed by the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); *Brooks v. Celeste*, 39 F.3d 125, 127 (6th Cir. 1994). A claim of deliberate indifference

to a prisoner's medical needs under the Eighth Amendment has both an objective and subjective component. *Rouster v. Cnty. of Saginaw*, 749 F.3d 437, 446 (6th Cir. 2014). A plaintiff satisfies the objective component by alleging that the prisoner had a medical need that was "sufficiently serious." *Id.* (quoting *Farmer*, 511 U.S. at 834). A plaintiff satisfies the subjective component "by alleging facts which, if true, would show that the official being sued subjectively perceived facts from which to infer substantial risk to the prisoner, that he did in fact draw the inference, and that he then disregarded that risk." *Id.* Complaints of malpractice or allegations of negligence are insufficient to entitle plaintiff to relief. *Estelle*, 429 U.S. at 105-06. A prisoner's difference of opinion regarding diagnosis or treatment also does not rise to the level of an Eighth Amendment violation. *Id.* at 107. Further, where a prisoner has received some medical attention, but disputes the adequacy of that treatment, the federal courts are reluctant to second-guess the medical judgments of prison officials and constitutionalize claims that sound in state tort law. *Westlake v. Lucas*, 537 F.2d 857, 860 n.5 (6th Cir. 1976). In sum, generally speaking, "[w]hen a prison doctor provides treatment, albeit carelessly or inefficaciously, to a prisoner, he has not displayed a deliberate indifference to the prisoner's needs, but merely a degree of incompetence which does not rise to the level of a constitutional violation." *Comstock v. McCrary*, 273 F.3d 693, 703 (6th Cir. 2001). Here, Plaintiff acknowledges that he has received some medical treatment while incarcerated at the Rutherford County Adult Detention Center. A medical staff member gave Plaintiff ibuprofen after his fall. Although Plaintiff believes that he should have received different or additional treatment, a prisoner's difference of opinion regarding diagnosis or treatment does not rise to the level of an Eighth Amendment violation. See *Estelle*, 429 U.S. at 107. Further, the complaint does not allege that any individual acted with deliberate indifference to Plaintiff's serious medical needs. Plaintiff's allegations therefore do not state a colorable deliberate indifference claim under Section 1983, even if he had named viable defendants.

III. CONCLUSION

Having conducted the screening required by the PRLA, the Court finds that the allegations of the complaint fail to state claims upon which relief can be granted via Section 1983 against both named Defendants. Accordingly, this action is therefore DISMISSED. Because an appeal would not be taken in good faith, Plaintiff is not certified to pursue an appeal from this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3). This is the final Order denying all relief in this case. The Clerk SHALL enter judgment. Fed. R. Civ. P. 58(b). It is so ORDERED. WILLIAM L. Col,
CHIEF UNITED STATES DISTRICT JUDGE