

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Michael Ray Scott v. Gene Ward, Seward County Sheriff, et al.

Scott v. Ward · No. 24-3095-JWB · Decided February 13, 2026

SUMMARY

The United States District Court for the District of Kansas granted defendants’ motions to dismiss Michael Ray Scott’s claims concerning allegedly inadequate medical care, discriminatory treatment, municipal liability, and negligence arising from his incarceration at the Seward County Jail. The court held that the complaint did not plausibly allege deliberate indifference, personal participation by Sheriff Gene Ward, a municipal policy or failure to train, or discriminatory treatment. The court dismissed the state-law negligence claims and denied as moot a motion to strike and denied Scott’s motion to supplement the complaint.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Broomes
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 13, 2026
DOCKET	24-3095-JWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 and Kansas tort law. Defendants moved to dismiss under Rule 12(b)(6), and the court also considered plaintiff’s motion to supplement his complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them and reasonable inferences in the plaintiff’s favor, and determines whether the complaint states a facially plausible claim for relief. Conclusory allegations are not credited. The court liberally construes a pro se pleading but may not act as the litigant’s advocate or construct claims on his behalf.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive rather than precedential.
PARTIES	Michael Ray Scott v. Gene Ward, Seward County Sheriff, Angie Davis, Seward County, Other defendants

TOPICS

motions to dismiss section 1983 prisoners rights municipal liability negligence

PRACTICE AREAS

civil rights prisoner medical care constitutional torts municipal liability Kansas tort law

QUESTIONS PRESENTED

1. Whether Scott plausibly alleged deliberate indifference to serious medical needs against Nurse Davis and Sheriff Ward in their individual capacities.
2. Whether Scott plausibly alleged municipal liability against Seward County and official-capacity liability against Sheriff Ward under 42 U.S.C. § 1983.
3. Whether Scott stated a cognizable Fourteenth Amendment discriminatory-treatment claim based on his infectious disease.
4. Whether the Kansas Tort Claims Act notice requirement barred the negligence claims against Seward County and Sheriff Ward in his official capacity.
5. Whether the court should exercise supplemental jurisdiction over the negligence claims against Davis and Ward in his individual capacity after dismissing the federal claims.
6. Whether Scott should be permitted to supplement his complaint under Federal Rule of Civil Procedure 15(d).

HOLDINGS

1. Scott failed to plausibly plead the subjective component of deliberate indifference because his allegations did not show that Davis knowingly disregarded a substantial risk of serious harm, as opposed to providing negligent or allegedly inadequate care.
2. Scott failed to state a § 1983 deliberate-indifference claim against Ward because he did not allege Ward's personal participation in denying medical care.
3. Because Scott was a pretrial detainee, his deliberate-indifference claims arise under the Fourteenth Amendment, although the applicable deliberate-indifference standard is the same as the Eighth Amendment standard.
4. Scott failed to state municipal-liability or official-capacity claims because he alleged no nonconclusory facts showing that Seward County or Sheriff Ward adopted or promulgated a policy that caused the alleged constitutional violation.
5. Scott failed to state a claim for discriminatory treatment under the Fourteenth Amendment because the complaint did not provide factual support for the allegation that he was discriminated against because he had an infectious disease.
6. The negligence claims against Seward County and Ward in his official capacity were dismissed for lack of jurisdiction because Scott did not show compliance with the Kansas Tort Claims Act's pre-suit notice requirement.

7. The court declined to exercise supplemental jurisdiction over the remaining state-law negligence claims after dismissing all federal claims.
8. Scott's motion to supplement his complaint was denied because the proposed supplementation would be futile and concerned events with unclear relevance to the existing allegations, after Scott had been transferred to another correctional facility.

KEY QUOTATIONS

“To withstand a motion to dismiss for failure to state a claim under Rule 12(b)(6), a complaint must contain enough allegations of fact to state a claim to relief that is plausible on its face.”

“The court cannot craft claims or arguments on behalf of a pro se litigant.”

FACTUAL BACKGROUND

Scott, a pretrial detainee at the Seward County Jail, repeatedly complained of severe abdominal pain and was later diagnosed with acute and untreated Hepatitis C, liver inflammation, and ultimately advanced liver failure. He alleged that jail nurse Angie Davis prescribed Benadryl remotely without evaluating him and that jail personnel failed to obtain recommended specialist treatment. He sued Davis, Sheriff Gene Ward, Seward County, and others, alleging deliberate indifference, discriminatory treatment, municipal liability, and negligence.

PROCEDURAL HISTORY

Scott filed an amended complaint alleging deliberate indifference to medical needs, discriminatory treatment, municipal and official-capacity liability, and negligence arising from his medical care while incarcerated at the Seward County Jail. Defendants moved to dismiss. The court granted the motions to dismiss, denied a motion to strike as moot, and denied plaintiff's motion to supplement.

DISPOSITION

dismissed

CASES CITED

- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Archuleta v. Wagner, 523 F.3d 1278, 1283 (10th Cir. 2008)
- Shero v. City of Grove, Oklahoma, 510 F.3d 1196, 1200 (10th Cir. 2007)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir. 2005)
- Strain v. Regalado, 977 F.3d 984, 989, 994 (10th Cir. 2020)
- Garcia v. Salt Lake City, 768 F.2d 303, 307 (10th Cir. 1985)
- Estate of Hocker by Hocker v. Walsh, 22 F.3d 995, 998 (10th Cir. 1994)
- White v. Kansas Department of Corrections, 664 F. App'x 734, 741 (10th Cir. 2016)

- Craig v. Eberly, 164 F.3d 490, 495 (10th Cir. 1998)
- Blackmon v. Sutton, 734 F.3d 1237, 1244 (10th Cir. 2013)
- Ramos v. Lamm, 639 F.2d 559, 575 (10th Cir. 1980)
- Bradshaw v. Lappin, 484 F. App'x 217, 222 (10th Cir. 2012)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Farmer v. Brennan, 511 U.S. 825, 834-37 (1994)
- Wilson v. Seiter, 501 U.S. 294, 297 (1991)
- Perkins v. Kansas Department of Corrections, 165 F.3d 803, 811 (10th Cir. 1999)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Vasquez v. Davis, 882 F.3d 1270, 1275 (10th Cir. 2018)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 690 (1978)
- Connick v. Thompson, 563 U.S. 51, 61 (2011)
- Oklahoma City v. Tuttle, 471 U.S. 808, 822-23 (1985)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 388 (1989)
- George ex rel. Bradshaw v. Beaver County, 32 F.4th 1246, 1253 (10th Cir. 2022)
- Dunegan v. City of Council Grove, Kansas Water Department, 77 F. Supp. 2d 1192, 1205 (D. Kan. 1999)
- Gessner v. Phillips County Commissioners, 11 P.3d 1131, 1134 (Kan. 2000)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Walker v. United Parcel Service, 240 F.3d 1268, 1278 (10th Cir. 2001)
- Gillihan v. Shillinger, 872 F.3d 935, 941 (10th Cir. 1989)

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