

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Evens Claude v. Angela Dukate, et al.

Claude v. Dukate · No. 3:24-CV-01289 (VDO) · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Connecticut granted motions to dismiss an incarcerated plaintiff's Eighth Amendment Bivens claims concerning allegedly inadequate medical care for his eye condition. The court held that Health Administrator Angela Dukate, a commissioned Public Health Service officer, was entitled to immunity under 42 U.S.C. § 233(a). The court also held that no Bivens remedy was available against optometrist Thomas Wagner, a private medical provider, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Vernon D. Oliver
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	April 10, 2026
DOCKET	3:24-CV-01289 (VDO)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a Bivens action alleging Eighth Amendment deliberate indifference to medical needs. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(1), and one defendant also moved under Rule 12(b)(6).
STANDARD OF REVIEW	For a facial Rule 12(b)(1) motion, the court accepts the complaint's factual allegations as true and draws reasonable inferences in the plaintiff's favor, while the plaintiff bears the burden of showing subject-matter jurisdiction by a preponderance of the evidence. A fact-based Rule 12(b)(1) motion may rely on evidence outside the pleadings, requiring factual findings when material jurisdictional facts are controverted. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether they plausibly establish an entitlement to relief; conclusory allegations and legal conclusions are disregarded.
PRECEDENTIAL VALUE	unknown

PARTIES

Evans Claude v. Angela Dukate, Thomas Wagner

TOPICS

motions to dismiss

subject matter jurisdiction

prisoners rights

cruel and unusual punishment

remedies

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether Dukate, a commissioned Public Health Service officer, was absolutely immune from Claude's Bivens claim under 42 U.S.C. § 233(a), requiring dismissal under Rule 12(b)(1).
2. Whether Claude could pursue a Bivens damages remedy against Wagner, a private optometrist providing medical services to Bureau of Prisons inmates, for alleged Eighth Amendment medical indifference.

HOLDINGS

1. A commissioned Public Health Service officer is entitled to the protections of 42 U.S.C. § 233(a), including absolute immunity from a damages action arising out of medical or related functions performed within the scope of employment. Because Claude's allegations challenged Dukate's medical-related conduct within that scope, the claim against Dukate was subject to dismissal under Rule 12(b)(1).
2. The court could not recognize a Bivens damages remedy for Claude's Eighth Amendment medical-indifference claim against Wagner, a private optometrist providing medical services to federal prisoners. The claim arose in a new Bivens context, and Supreme Court precedent, including the availability of state tort remedies, foreclosed extending Bivens to that context.

KEY QUOTATIONS

“Thus, a PHS officer—such as Dukate— is entitled to the protections of the FTCA, including “absolute immunity . . . for actions arising” (III.A)

“The Court concludes Supreme Court precedent forecloses the Bivens remedy for Plaintiff’s Eighth Amendment claim against Wagner.” (III.B)

“For the foregoing reasons, the Court GRANTS both motions to dismiss (ECF Nos. 38, 44). The Clerk is kindly instructed to close this case.” (IV)

FACTUAL BACKGROUND

Claude, a federal prisoner, had undergone corneal transplants and had medical recommendations that he not be housed in cells with fans. Health Administrator Dukate allegedly caused or requested removal of those recommendations, and optometrist Thomas Wagner allegedly changed the recommendation without examining Claude. Claude alleged that exposure to fans caused severe dry eyes, pain, closed eyelids, daily discomfort, and deteriorating vision.

PROCEDURAL HISTORY

After an initial review under 28 U.S.C. § 1915A, the court permitted Plaintiff to proceed only on individual-capacity Eighth Amendment medical-indifference claims against Dukate and Wagner. Plaintiff filed a notice of intent to proceed and an amended complaint. The court granted both defendants' motions to dismiss and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)
- *Rodriguez v. Easter*, No. 3:20-CV-1872 (SVN), 2022 WL 356478, at *3 (D. Conn. Feb. 7, 2022)
- *Carter v. HealthPort Technologies, LLC*, 822 F.3d 47, 56-57 (2d Cir. 2016)
- *Katz v. Donna Karan Co., L.L.C.*, 872 F.3d 114, 119 (2d Cir. 2017)
- *Lunney v. United States*, 319 F.3d 550, 554 (2d Cir. 2003)
- *Harty v. West Point Realty, Inc.*, 28 F.4th 435, 441 (2d Cir. 2022)
- *Tandon v. Captain's Cove Marina of Bridgeport, Inc.*, 752 F.3d 239, 243 (2d Cir. 2014)
- *Littlejohn v. City of New York*, 795 F.3d 297, 306 (2d Cir. 2015)
- *Buon v. Spindler*, 65 F.4th 64, 76 (2d Cir. 2023)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 675, 678-679 (2009)
- *Warren v. Colvin*, 744 F.3d 841, 843 (2d Cir. 2014)
- *Hayden v. Paterson*, 594 F.3d 150, 161 (2d Cir. 2010)
- *Rolon v. Henneman*, 517 F.3d 140, 149 (2d Cir. 2008)
- *Rivera v. Federal Bureau of Prisons*, No. 17-CV-5103, 2018 WL 11312146, at *6 (S.D.N.Y. Dec. 14, 2018)
- *Laventure v. United Nations*, 279 F. Supp. 3d 394, 398 (E.D.N.Y. 2017)
- *Battle v. Recktenwald*, No. 14 CV 2738, 2016 WL 698145, at *8 (S.D.N.Y. Feb. 19, 2016)
- *Hui v. Castaneda*, 559 U.S. 799, 806 (2010)
- *Garcia-Ryan v. Community Health Project, Inc.*, No. 24-CV-7117, 2026 WL 507411, at *1 (S.D.N.Y. Feb. 24, 2026)
- *Ziglar v. Abbasi*, 582 U.S. 120, 130, 131, 136-140 (2017)
- *Arar v. Ashcroft*, 585 F.3d 559, 571 (2d Cir. 2009)
- *Correctional Services Corp. v. Malesko*, 534 U.S. 61, 66, 69-70 (2001)
- *Thomas v. Ashcroft*, 470 F.3d 491, 496 (2d Cir. 2006)
- *Ciambriello v. County of Nassau*, 292 F.3d 307, 323 (2d Cir. 2002)
- *Carmona v. Sliya*, No. 3:24-CV-814 (VDO), 2024 WL 3964930, at *3 (D. Conn. Aug. 28, 2024)
- *West v. Atkins*, 487 U.S. 42, 52 n.10, 57 (1988)

- Hernandez v. Mesa, 589 U.S. 93, 99, 102-103, 108 (2020)
- Davis v. Passman, 442 U.S. 228 (1979)
- Wilkie v. Robbins, 551 U.S. 537, 550 (2007)

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