

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

Wood v. Brown, DDS, et al.

Wood · No. No. 1:24cv1036 (RDA/WEF) · Decided February 3, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia ruled on James R. Wood’s motions for discovery, a continuance, appointment of counsel, supplementation of evidence, and emergency injunctive relief in an action concerning allegedly inadequate dental care in VDOC custody. The court denied the motions, while allowing Wood fourteen days to submit a proper Rule 56(d) affidavit supporting any need for additional discovery. The court concluded that Wood had not shown exceptional circumstances for appointed counsel, likelihood of success on his ADA or deliberate-indifference claims, or entitlement to a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Rossie D. Alston Jr.
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	February 3, 2026
DOCKET	No. 1:24cv1036 (RDA/WEF)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a § 1983 action alleging that prison dental personnel violated the Eighth Amendment and the Americans with Disabilities Act by denying adequate and timely dental care. While Defendant Brown's motion for summary judgment and Defendant Shaw's motion to dismiss were pending, Plaintiff moved for discovery, a continuance, appointment of counsel, supplementation of evidence, and emergency injunctive relief.
STANDARD OF REVIEW	A Rule 56(d) discovery request must be supported by an affidavit explaining specifically why discovery is needed and how it could create a genuine issue of material fact. Appointment of counsel in a civil § 1983 action is discretionary and requires exceptional circumstances. A preliminary injunction requires proof of likelihood of

	success on the merits, likelihood of irreparable harm, balance of equities in the movant's favor, and consistency with the public interest; failure to establish any one factor requires denial.
PRECEDENTIAL VALUE	unknown
PARTIES	James R. Wood v. J. Brown, DDS, Shaw

TOPICS

summary judgment discovery dispute injunctions section 1983 ada / disability

PRACTICE AREAS

civil procedure civil rights prisoner rights disability law health law

QUESTIONS PRESENTED

1. Whether Wood was entitled to discovery and a continuance under Federal Rule of Civil Procedure 56(d) before resolution of Brown's summary-judgment motion.
2. Whether Wood was entitled to appointment of counsel under 28 U.S.C. § 1915(e)(1).
3. Whether Wood could supplement the record with an MRI and an assertion concerning his forgetfulness.
4. Whether Wood was entitled to a temporary restraining order or preliminary injunction concerning VDOC Operating Procedure 720.6 and his dental care.
5. Whether Wood demonstrated a likelihood of success on his ADA and Eighth Amendment deliberate-indifference claims sufficient to support preliminary relief.

HOLDINGS

1. The discovery and continuance motions were deficient because Wood did not file a Rule 56(d) affidavit, did not specify the facts needed to oppose summary judgment, and did not explain how the requested discovery could create a genuine issue of material fact. The motions were denied, but Wood was given fourteen days to file a proper affidavit.
2. Wood was not entitled to appointed counsel because he had not shown exceptional circumstances, a colorable claim combined with an inability to present it.
3. The motion to supplement was granted in part and denied in part: the MRI was excluded as irrelevant, but Wood's assertion that he was forgetful was included as an unobjected-to fact within his personal knowledge.
4. Wood was not entitled to a temporary restraining order or preliminary injunction because he failed to show a likelihood of success on the merits.

KEY QUOTATIONS

“Rule 56(d) does not authorize “fishing expedition(s).”” (at 3)

“The ADA prohibits discrimination because of disability, not inadequate [medical] treatment for disability.”
(at 7)

“The failure to show any one of the relevant factors mandates denial of the preliminary injunction.” (at 8)

“Disagreement[] between an inmate and a physician over the inmate’s proper medical care’ . . . fall short of showing deliberate indifference.” (at 9)

FACTUAL BACKGROUND

Wood was detained at the Virginia Department of Corrections' Deerfield Correctional Center and alleged that Brown and Shaw denied him adequate dental care, including prosthodontics and a root canal and crown. Dental records showed that Brown treated Wood on multiple occasions, provided fillings and pain medication, made referrals, discussed extraction and prosthodontic eligibility, and that Wood at times refused or delayed recommended treatment. The record also showed that Wood's tooth was eventually extracted off-site and that he received continuing dental care and hygiene counseling.

PROCEDURAL HISTORY

Wood filed suit concerning dental treatment he received while detained at Deerfield Correctional Center. Brown moved for summary judgment, and Shaw moved to dismiss. The opinion resolves Wood's discovery, continuance, appointment-of-counsel, evidence-supplementation, and preliminary-injunction motions; it does not resolve Brown's summary-judgment motion or Shaw's motion to dismiss.

DISPOSITION

other

CASES CITED

- Harrods Ltd. v. Sixty Internet Domain Names, 302 F.3d 214, 244 (4th Cir. 2002)
- Evans v. Techs. Applications & Serv. Co., 80 F.3d 954, 961 (4th Cir. 1996)
- Hamilton v. Mayor & City Council of Baltimore, 807 F. Supp. 2d 331, 342 (D. Md. 2011)
- First Chicago Int'l v. United Exch. Co., 836 F.2d 1375, 1380 (D.C. Cir. 1988)
- Waterloo Furniture Components v. Haworth, 467 F.3d 641, 648 (7th Cir. 2006)
- Poindexter v. Mercedes-Benz Credit Corp., 792 F.3d 406, 411 (4th Cir. 2015)
- Goodman v. Diggs, 986 F.3d 493, 501 (4th Cir. 2021)
- Hodgin v. UTC Fire & Sec. Ams. Corp., 885 F.3d 243, 250 (4th Cir. 2018)
- Pisano v. Strach, 743 F.3d 927, 931 (4th Cir. 2014)
- Morrow v. Farrell, 187 F. Supp. 2d 548, 551 (D. Md. 2002), aff'd, 50 F. App'x 179 (4th Cir. 2002)
- Nader v. Blair, 549 F.3d 953, 961-62 (4th Cir. 2008)
- Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984)
- Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296 (1989)

- Jenkins v. Woodard, 109 F.4th 242, 247 (4th Cir. 2024)
- Ray v. Equifax Info. Servs., LLC, 327 F. App'x 819, 823-24 (11th Cir. 2009)
- Goddard v. United States Dist. Court (In re Arizona), 528 F.3d 652, 657 (9th Cir. 2008)
- Chaudhry v. Mobil Oil Corp., 186 F.3d 502, 505 (4th Cir. 1999)
- Treadwell v. Murray, 878 F. Supp. 49, 50 (E.D. Va. 1995)
- Glenn v. Culpepper, No. 4:07-CV-534-SPM/AK, 2008 WL 817078, at *1 (N.D. Fla. Mar. 25, 2008)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Roe v. United States DOD, 947 F.3d 207, 219 (4th Cir. 2020)
- Mountain Valley Pipeline, LLC v. W. Pocahontas Props. Ltd. P'ship, 918 F.3d 353, 366 (4th Cir. 2019)
- E. Tenn. Natural Gas Co. v. Sage, 361 F.3d 808, 828 (4th Cir. 2004)
- Wetzel v. Edwards, 635 F.2d 283, 286 (4th Cir. 1980)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346 (4th Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010)
- Parson v. Alcorn, 157 F. Supp. 3d 479, 491 (E.D. Va. 2016)
- Bryant v. Madigan, 84 F.3d 246, 249 (7th Cir. 1996)
- Castro v. County of Los Angeles, 833 F.3d 1060 (9th Cir. 2016) (en banc)
- Baxley v. Jividen, 508 F. Supp. 3d 28, 62 (S.D. W. Va. 2020)
- Burger v. Bloomberg, 418 F.3d 882, 883 (8th Cir. 2005)
- Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1289, 1294 (11th Cir. 2005)
- Fitzgerald v. Corr. Corp. of Am., 403 F.3d 1134, 1144 (10th Cir. 2005)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Miltier v. Beorn, Miltier v. Beorn, 896 F.2d 848, 854 (4th Cir. 1990)
- Wright v. Collins, 766 F.2d 841, 849 (4th Cir. 1985)
- United States v. Clawson, 650 F.3d 530, 538 (4th Cir. 2011)
- Gee v. Pacheco, 627 F.3d 1178, 1192 (10th Cir. 2010)
- Nelson v. Shuffman, 603 F.3d 439, 449 (8th Cir. 2010)
- Jackson v. Fair, 846 F.2d 811, 817 (1st Cir. 1988)
- Effland v. Balt. Police Dep't, No. 1:20-cv-03503, 2024 U.S. Dist. LEXIS 2435, 2024 WL 69581, at *3 (D. Md. Jan. 5, 2024)
- Jackson v. Brinker, No. 91-471-C, 1992 U.S. Dist. LEXIS 19619, 1992 WL 404537, at *7 (S.D. Ind. Dec. 21, 1992)
- Hill v. Exec. Office for United States Attys., No. 4:17-cv-00027, 2017 U.S. Dist. LEXIS 187968, 2017 WL 5079148, at *3 (W.D. Va. July 19, 2017)
- Anderson v. Clarke, No. 7:23-CV-00618, 2024 WL 3706609, at *1 (W.D. Va. Aug. 7, 2024)