

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Nicholas Cory Plug v. County of Van Buren, et al.

No. 1:23-cv-1055 (W.D. Mich. Nov. 26, 2025) · No. 1:23-cv-1055 · Decided November 26, 2025

SUMMARY

The United States District Court for the Western District of Michigan reviewed objections to a magistrate judge’s report and recommendation in a 42 U.S.C. § 1983 action concerning medical care provided to a pretrial detainee. The court adopted the recommendation granting summary judgment to the county, sheriff, and deputy, but rejected the recommendation as to the nurse and granted summary judgment to her as well. The court concluded that the evidence did not establish deliberate indifference or violation of a clearly established constitutional right, and it dismissed the case.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Robert J. Jonker
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	November 26, 2025
DOCKET	1:23-cv-1055
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that defendants violated his constitutional rights by failing to provide adequate medical care while he was in official custody. After the magistrate judge recommended granting summary judgment to Kelly, Abott, and Van Buren County but denying summary judgment to Hickmott, both sides objected. The district court conducted de novo review, adopted the recommendation in part, rejected it in part, granted summary judgment to all defendants, and dismissed the case.
STANDARD OF REVIEW	De novo review of properly objected-to portions of a magistrate judge's report and recommendation under Fed. R. Civ. P. 72(b)(3); summary judgment reviewed under the genuine-dispute-of-material-fact standard. Qualified immunity applied to determine whether defendants violated a constitutional right that was clearly established.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nicholas Cory Plug v. County of Van Buren, Daniel Abott, Dillon Kelly, Roslynn Hickmott

TOPICS

section 1983 prisoners rights qualified immunity summary judgment due process

PRACTICE AREAS

civil rights constitutional law prisoner medical care civil procedure evidence

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendations after conducting de novo review of the parties' objections.
2. Whether Deputy Dillon Kelly was entitled to summary judgment based on qualified immunity.
3. Whether Sheriff Daniel Abott was entitled to summary judgment on the official-capacity failure-to-train claim because Plug failed to show a pattern of constitutional violations.
4. Whether Van Buren County was entitled to summary judgment because Plug failed to identify a county policy or custom that caused the alleged constitutional violation.
5. Whether the summary judgment record permitted a reasonable factfinder to conclude that Nurse Roslynn Hickmott acted recklessly in the face of an unjustifiably high risk of harm in violation of a pretrial detainee's Fourteenth Amendment right to adequate medical care.
6. Whether Nurse Hickmott was entitled to qualified immunity because the alleged conduct did not violate a clearly established constitutional right.

HOLDINGS

1. When a party properly objects to portions of a magistrate judge's report and recommendation, the district court must determine those portions de novo and may accept, reject, or modify the recommended disposition.
2. Deputy Kelly, Sheriff Abott, and Van Buren County were entitled to summary judgment.
3. The summary judgment record did not permit a reasonable factfinder to conclude that Nurse Hickmott acted recklessly in the face of an unjustifiably high risk of harm to Plug's serious medical needs.
4. Nurse Hickmott was entitled to qualified immunity because the evidence did not establish a violation of a clearly established constitutional right under the circumstances presented.

KEY QUOTATIONS

"The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." (Order)

“Given such evidence, a reasonable jury could not conclude that Nurse Hickmott acted “recklessly ‘in the face of an unjustifiably high risk of harm that is either known or so obvious it should be known.””

(Discussion of Nurse Hickmott)

“Qualified immunity provides officials with “breathing room to make reasonable but mistaken judgments,” and it “protects all but the plainly incompetent or those who knowingly violate the law.”” (Qualified

Immunity)

FACTUAL BACKGROUND

Plug was detained in Van Buren County custody after ingesting methamphetamine and experiencing apparent withdrawal symptoms. Nurse Roslynn Hickmott monitored him regularly, recorded his symptoms and vital signs, ordered a COVID-19 test, advised him to increase fluids, and continued monitoring after the test was negative. Plug later suffered a stroke, but the record indicated that jail staff transported him to a hospital within approximately 24 hours after observing a significant worsening in his condition.

PROCEDURAL HISTORY

Defendants moved for summary judgment. The magistrate judge recommended granting the motion as to Deputy Kelly, Sheriff Abott, and Van Buren County, while denying it as to Nurse Hickmott because a genuine issue of material fact allegedly existed regarding reckless disregard of Plug's serious medical needs. Following objections by both parties, the district court reviewed the challenged portions de novo, granted summary judgment to all defendants, and ordered dismissal.

DISPOSITION

dismissed

CASES CITED

- Hill v. Duriron Co., Inc., 656 F.2d 1208, 1215 (6th Cir. 1981)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Brawner v. Scott Cnty., Tennessee, 14 F.4th 585, 591, 596 (6th Cir. 2021)
- Helphenstine v. Lewis Cnty., Kentucky, 60 F.4th 305, 312, 317-318 (6th Cir. 2023)
- Field v. Trigg Co. Hosp., Inc., 386 F.3d 729, 735-736 (6th Cir. 2004)
- Griffith v. Franklin Cnty., Kentucky, 975 F.3d 554, 567, 573 (6th Cir. 2020)
- Phillips v. Roane Cty., 534 F.3d 531, 538 (6th Cir. 2008)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Mullins v. Cyranek, 805 F.3d 760, 765 (6th Cir. 2015)
- Stanton v. Sims, 571 U.S. 3, 6 (2013)
- Howell v. NaphCare, Inc., 67 F.4th 302, 308 (6th Cir. 2023)

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