

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Keishon Javontae Thompson v. Director B. Foster

Thompson v. Foster · No. Civil Action No. 24-cv-871-LKG · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Maryland grants Director B. Foster’s motion, treated as a motion for summary judgment, in Keishon Javontae Thompson’s 42 U.S.C. § 1983 challenge to a detention center’s incentive-based outdoor recreation policy. The court holds that Thompson failed to show deliberate indifference under the Eighth Amendment and failed to establish that the policy was objectively unreasonable or punitive under the Fourteenth Amendment. The court concludes that indoor recreation, gym access, and cell windows providing sunlight, together with staffing and security considerations, defeated the constitutional claims.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Lydia Kay Griggsby
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 14, 2026
DOCKET	Civil Action No. 24-cv-871-LKG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 conditions-of-confinement action concerning denial of outdoor recreation. Defendant moved to dismiss or, alternatively, for summary judgment. The court converted the motion to one for summary judgment under Federal Rule of Civil Procedure 12(d) and granted it.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, with reasonable inferences drawn in that party's favor. For the Rule 12(d) conversion issue, conversion is permissible when the nonmovant has actual notice that matters outside the pleadings may be considered.
PRECEDENTIAL VALUE	Unknown; unpublished district court memorandum opinion

PARTIES

Keishon Javontae Thompson v. Director B. Foster

TOPICS

prisoners rights

cruel and unusual punishment

due process

summary judgment

section 1983

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the defendant was entitled to summary judgment on the plaintiff's Eighth Amendment conditions-of-confinement claim based on the denial of outdoor recreation.
2. Whether the outdoor-recreation policy imposed unconstitutional punishment on the plaintiff as a pretrial detainee in violation of the Fourteenth Amendment.
3. Whether the court could treat the defendant's motion to dismiss or alternatively for summary judgment as a motion for summary judgment under Federal Rule of Civil Procedure 12(d).

HOLDINGS

1. The court properly treated the motion to dismiss or alternatively for summary judgment as a motion for summary judgment because the motion was expressly presented in the alternative, included matters outside the pleadings, and gave Thompson actual notice that summary judgment could be considered.
2. Foster was entitled to summary judgment on Thompson's Eighth Amendment claim because the record did not show that Foster had the requisite subjective knowledge of a substantial risk of harm, including Thompson's vitamin D deficiency or a specific risk of such deficiency.
3. Foster was entitled to summary judgment on Thompson's Fourteenth Amendment claim because Thompson did not show that the outdoor-recreation policy was imposed with an intent to punish or was objectively unreasonable in relation to a legitimate, nonpunitive governmental purpose.

KEY QUOTATIONS

"There is no bright-line rule on when the denial of outdoor recreation becomes unconstitutional."
(Discussion)

"As there is no evidence showing that Foster had the requisite knowledge to show deliberate indifference on his part, Thompson's Eighth Amendment claim fails." (Discussion)

"Foster's motion to dismiss or, alternatively, for summary judgment, treated as a motion for summary judgment, is granted." (Conclusion)

FACTUAL BACKGROUND

Thompson was detained at the Charles County Detention Center from December 10, 2020, through August 11, 2023, first as a pretrial detainee and later as a convicted prisoner. The detention center used an incentive-based

policy under which outdoor recreation was offered to the unit with the highest weekly sanitation score, and Thompson alleged that his unit never qualified, leaving him without outdoor recreation and causing a vitamin D deficiency. The record showed that inmates had daily indoor recreation, twice-weekly gym access, and cell windows admitting sunlight; Foster also presented evidence that staffing and space limitations motivated the outdoor-recreation policy. The court found no evidence that Foster knew Thompson had, or was specifically at risk of, a vitamin D deficiency.

PROCEDURAL HISTORY

Thompson filed an amended civil-rights complaint while incarcerated, alleging that an incentive-based outdoor-recreation policy at the Charles County Detention Center violated the Eighth and Fourteenth Amendments. Foster submitted matters outside the pleadings with a motion styled as one to dismiss or alternatively for summary judgment. Because Thompson had notice of the alternative summary-judgment motion, the court treated the motion as one for summary judgment and ruled for Foster.

DISPOSITION

other

CASES CITED

- Maryland v. Thompson, Case No. C-08-CR-21-000034 (Charles Cnty. Cir. Ct.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Walters v. McMahan, 684 F.3d 435, 439 (4th Cir. 2012)
- Kensington Volunteer Fire Dep't, Inc. v. Montgomery Cnty., 788 F. Supp. 2d 431, 436-37 (D. Md. 2011)
- Laughlin v. Metro. Washington Airports Auth., 149 F.3d 253, 260-61 (4th Cir. 1998)
- Libertarian Party of Virginia v. Judd, 718 F.3d 308, 313 (4th Cir. 2013)
- Dulaney v. Packaging Corp. of Am., 673 F.3d 323, 330 (4th Cir. 2012)
- Henry v. Purnell, 652 F.3d 524, 548 (4th Cir. 2011)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Tolan v. Cotton, 572 U.S. 650, 656-57 (2014) (per curiam)
- Scott v. Harris, 550 U.S. 372, 378 (2007)
- Jacobs v. N.C. Admin. Off. of the Cts., 780 F.3d 562, 568-69 (4th Cir. 2015)
- Bouchat v. Baltimore Ravens Football Club, Inc., 346 F.3d 514, 526 (4th Cir. 2003)
- Drewitt v. Pratt, 999 F.2d 774, 778-79 (4th Cir. 1993)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Weller v. Dep't of Soc. Servs. for City of Baltimore, 901 F.2d 387, 391 (4th Cir. 1990)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- Williams v. Benjamin, 77 F.3d 756, 761 (4th Cir. 1996)
- Hudson v. McMillian, 503 U.S. 1, 8-9 (1992)
- Farmer v. Brennan, 511 U.S. 825, 828-29, 837 (1994)

- Bell v. Wolfish, 441 U.S. 520, 538-40, 545, 547 (1979)
- Martin v. Gentile, 849 F.2d 863, 870 (4th Cir. 1988)
- Timms v. U.S. Att'y Gen., 93 F.4th 187, 191 n.8 (4th Cir. 2024)
- Matherly v. Andrews, 859 F.3d 264, 275 (4th Cir. 2017)
- Short v. Hartman, 87 F.4th 593, 611 (4th Cir. 2023)
- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Townsend v. Moyer, No. CV TDC-17-3385, 2019 WL 367637, at *4 (D. Md. Jan. 29, 2019)
- Thomas v. Ponder, 611 F.3d 1144, 1151 (9th Cir. 2010)
- Pearson v. Ramos, 237 F.3d 881, 884 (7th Cir. 2001)
- Johnson v. Quinones, 145 F.3d 164, 168 (4th Cir. 1998)

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