

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
LOUISIANA

Brett Fontenelle v. Gerald Turlich, Jr. et al.

No. 25-1070, United States District Court for the Eastern District of Louisiana (April 16, 2026)

SUMMARY

The United States District Court for the Eastern District of Louisiana granted defendants’ Federal Rule of Civil Procedure 12(b)(6) motion to dismiss Brett Fontenelle’s 42 U.S.C. § 1983 claims concerning alleged inadequate medical care during detention. The court concluded that the allegations showed, at most, a disagreement over medical treatment and did not establish deliberate indifference, and dismissed the claims with prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Louisiana                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | William J. Crain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the Eastern District of Louisiana                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DECIDED               | April 16, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 25-1070                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Defendants moved to dismiss the amended Section 1983 complaint under Federal Rule of Civil Procedure 12(b)(6). The district court granted the motion and dismissed the claims with prejudice.                                                                                                                                                                                                                                                                                                       |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and determines whether the allegations plausibly state a claim for relief. The court generally confines its review to the pleadings and documents attached to the complaint, but may consider documents attached to a motion or opposition when they are referred to in the pleadings and central to the claims, as well as judicially noticeable matters. |
| PRECEDENTIAL VALUE    | nonprecedential district court order                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

TOPICS

- motions to dismiss
- section 1983
- prisoners rights
- health law
- civil procedure

## PRACTICE AREAS

civil procedure

civil rights

health law

## QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that defendants were deliberately indifferent to Fontenelle's serious medical needs in violation of 42 U.S.C. § 1983.
2. Whether the court could consider medical records and intake forms attached to the motion to dismiss because the pleadings referred to them and they were central to Fontenelle's claims.

## HOLDINGS

1. The court could consider medical records and intake forms attached to the motion to dismiss because the pleadings referred to them and they were central to the plaintiff's claims.
2. Fontenelle's allegations did not plausibly establish deliberate indifference because the allegations showed, at most, a disagreement over the nature and timing of his medical treatment, while the records showed screening, monitoring, examination, medication, and efforts to obtain appropriate treatment. The Section 1983 medical-care claims were therefore dismissed with prejudice.

## KEY QUOTATIONS

*“A claim has facial plausibility when the plaintiff pleads the factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”*

*“Fontenelle’s allegations reflect, at best, disagreements over medical treatment.”*

## FACTUAL BACKGROUND

Fontenelle was arrested on May 29, 2024, taken to the Plaquemines Parish Detention Center, and screened for medical and mental-health conditions. After he refused tuberculosis testing, he was isolated but continued to be monitored, examined, and treated; staff requested his prior medical records and initially administered Risperdal before changing him to Olanzapine after receiving the records. Fontenelle later became restless and confrontational, fell from a mezzanine while attempting to flee guards, and alleged that defendants were deliberately indifferent to his bipolar or psychotic condition and failed to provide adequate medical care.

## PROCEDURAL HISTORY

Fontenelle sued state entities and employees in their individual capacities under 42 U.S.C. § 1983 and amended his complaint twice. Defendants moved to dismiss under Rule 12(b)(6). The court considered medical records and intake forms referred to in the pleadings and central to the claims, granted the motion, and dismissed the claims with prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Cuvillier v. Taylor, 503 F.3d 397, 401 (5th Cir. 2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Kennedy v. Chase Manhattan Bank USA, NA, 369 F.3d 833, 839 (5th Cir. 2004)
- Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498 (5th Cir. 2000)
- Carter v. Target Corp, 541 Fed. Appx. 413, 416 (5th Cir. 2013)
- Hall v. Hodgkins, 305 F. App'x 224, 227 (5th Cir. 2008)
- Lovelace v. Software Spectrum, Inc., 78 F.3d 1015, 1017-18 (5th Cir. 1996)
- Gobert v. Caldwell, 463 F.3d 339 (5th Cir. 2006)
- Banuelos v. McFarland, 41 F.3d 232, 235 (5th Cir. 1995)
- Lovick v. Ritemoney Ltd., 378 F.3d 433, 437 (5th Cir. 2004)
- Ferrer v. Chevron Corp., 484 F.3d 776, 780 (5th Cir. 2007)
- Plotkin v. IP Axxess Inc., 407 F.3d 690, 696 (5th Cir. 2005)

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