

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, ROANOKE DIVISION

Jesse L. Smith v. Mrs. Harr, et al.

Smith v. Harr · No. 7:25CV00388 · Decided April 16, 2026

SUMMARY

The court considers defendants’ motion to dismiss a pro se inmate’s 42 U.S.C. § 1983 claims alleging deliberate indifference to serious medical needs. The court dismisses the claim against grievance coordinator Mrs. Harr but allows the claim against nurse practitioner Mrs. Ball to proceed. The motion to dismiss is therefore granted in part and denied in part.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	James P. Jones
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	April 16, 2026
DOCKET	7:25CV00388
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an individual-capacity action under 42 U.S.C. § 1983 alleging deliberate indifference to serious medical needs and due process violations. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint, accepts well-pleaded allegations as true, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint states a claim for relief that is plausible on its face. Pro se pleadings are liberally construed, but conclusory allegations are insufficient.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court opinion
PARTIES	Jesse L. Smith v. Mrs. Harr, Deborah L. Ball

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

motions to dismiss

civil rights

PRACTICE AREAS

civil rights

prisoner medical care

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Smith plausibly alleged an Eighth Amendment deliberate-indifference claim against institutional grievance coordinator Mrs. Harr based on her alleged failure to process or obstruction of a grievance.
2. Whether Smith plausibly alleged an Eighth Amendment deliberate-indifference claim against nurse practitioner Mrs. Ball based on allegedly ineffective treatment and failure to consider or offer alternative treatment.
3. Whether Smith stated a viable claim merely because he was not prescribed the specific medication or product he requested.

HOLDINGS

1. Smith failed to state a plausible claim against Mrs. Harr because prison administrators are not liable merely for their responses to, or involvement in, the grievance process.
2. Smith plausibly alleged an Eighth Amendment deliberate-indifference claim against Mrs. Ball, so the claim could proceed past the pleading stage.
3. Smith was not entitled to relief solely because he was not prescribed Ideal Prostate Plus or another specific medication; the Constitution does not provide a right to specific medication or preferred treatment.

KEY QUOTATIONS

“The Constitution does not provide a right to specific medication or preferred treatment.”

“That Mrs. Ball provided some treatment to Smith is not, by itself, sufficient to defeat a deliberate indifference claim.”

“Accordingly, for the foregoing reasons, I will dismiss Smith’s claim against Mrs. Harr but will allow his claim against Mrs. Ball to go forward.”

FACTUAL BACKGROUND

Smith, a state prisoner, alleged that he suffered from an enlarged prostate and related symptoms, including pain, frequent urination, leakage, and blood in his urine. He requested a particular product, Ideal Prostate Plus, and alleged that Mrs. Ball provided medications that did not treat his prostate condition, despite his informing her that the treatment was ineffective and without any alternative treatment being considered or offered. Smith also alleged that Mrs. Harr failed to process or obstructed a grievance concerning his medical care.

PROCEDURAL HISTORY

Smith, a state prisoner proceeding pro se, filed a § 1983 complaint against an institutional grievance coordinator and a nurse practitioner. After receiving Roseboro notice, Smith did not timely respond to the motion to dismiss. The court granted the motion as to Mrs. Harr, denied it as to Mrs. Ball, terminated Mrs. Harr from the docket, and directed Mrs. Ball to file a dispositive motion within 90 days.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Mrs. Harr was dismissed and terminated from the docket. Mrs. Ball was required to file a dispositive motion, such as a motion for summary judgment, within 90 days of April 16, 2026, or the case would be scheduled for trial.

CASES CITED

- Cooper v. Sheehan, 735 F.3d 153, 158 (4th Cir. 2013)
- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Mays ex rel. Estate of Mays v. Sprinkle, 992 F.3d 295, 299 (4th Cir. 2021)
- Langford v. Joyner, 62 F.4th 122, 124 (4th Cir. 2023)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Booker v. S.C. Dep't of Corr., 855 F.3d 533, 540 (4th Cir. 2017)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Leichling ex rel. Estate of Leichling v. Honeywell Int'l, Inc., 842 F.3d 848, 851 (4th Cir. 2016)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Scinto v. Stansberry, 841 F.3d 219, 225 (4th Cir. 2016)
- Farmer v. Brennan, 511 U.S. 825, 832 (1994)
- Estelle v. Gamble, 429 U.S. at 104
- Gordon v. Schilling, 937 F.3d 348, 356-57 (4th Cir. 2019)
- Pace v. Dillman, No. 7:21CV00648, 2023 WL 6147791, at *5 (W.D. Va. Sept. 20, 2023)
- Farabee v. Gardella, 131 F.4th 185, 194 (4th Cir. 2025)
- Annarelli v. Clarke, No. 7:20-cv-00261, 2022 WL 4798345, at *10 (W.D. Va. Sept. 20, 2022)
- De'lonta v. Johnson, 708 F.3d 520, 526 (4th Cir. 2013)
- Hasan v. Wang, No. 7:24-cv-68, 2025 WL 974107, at *6 (W.D. Va. Mar. 31, 2025)
- Perry v. Meade, 728 F. App'x 180, 182 (4th Cir. 2018) (per curiam)