

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Anthony Ewing v. Sara A. Blomstrom, et al.

No. 3:25-cv-178 (SRU) · No. No. 3:25-cv-178 (SRU) · Decided April 2, 2026

SUMMARY

This initial review order addresses a sentenced inmate’s 42 U.S.C. § 1983 claims alleging inadequate medical treatment for a fractured finger. The court dismisses the claims against most defendants, permits an Eighth Amendment deliberate-indifference claim to proceed against APRN Morant in her individual capacity, and addresses the limitations on official-capacity claims and prospective relief.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Stefan R. Underhill
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	April 2, 2026
DOCKET	No. 3:25-cv-178 (SRU)
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a sentenced prisoner's second amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint, or any portion of it, that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court applied the plausibility standard under Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal, construed the pro se pleading liberally, and assumed for initial-review purposes that Ewing's finger injury was sufficiently serious.
PRECEDENTIAL VALUE	Unpublished district-court initial review order; precedential status not stated.
PARTIES	Anthony Ewing v. Sara A. Blomstrom, Clifford Yang, APRN Morant, Dr. Maletz, APRN Campbell

TOPICS

- prisoners rights
- civil rights
- section 1983
- cruel and unusual punishment
- eleventh amendment immunity

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

health law

remedies

QUESTIONS PRESENTED

1. Whether Ewing plausibly alleged that Dr. Blomstrom, Dr. Yang, Dr. Maletz, or APRN Campbell acted with deliberate indifference to a serious medical need in violation of the Eighth Amendment.
2. Whether Ewing plausibly alleged an Eighth Amendment deliberate-indifference claim against APRN Morant based on her refusal to provide a doctor-ordered pail for finger rehabilitation.
3. Whether Ewing could pursue official-capacity damages, retrospective declaratory relief, or prospective injunctive relief against the defendants under the Eleventh Amendment and Ex parte Young.
4. Whether the Fourteenth Amendment, rather than the Eighth Amendment, governed the inadequate-medical-treatment claims of a sentenced prisoner.

HOLDINGS

1. Because Ewing was a sentenced prisoner, the Eighth Amendment, not the Fourteenth Amendment, governs his claims concerning inadequate medical treatment.
2. A prisoner asserting deliberate indifference to serious medical needs must plausibly allege both an objectively sufficiently serious deprivation of medical care and that the defendant acted or failed to act while actually aware of a substantial risk of serious inmate harm.
3. Ewing failed to state plausible individual-capacity Eighth Amendment claims for damages against Dr. Blomstrom, Dr. Yang, Dr. Maletz, or APRN Campbell because the alleged conduct amounted at most to negligence, medical malpractice, or disagreement with medical judgment, without facts showing conscious disregard of a substantial risk of serious harm.
4. Ewing may proceed on an individual-capacity Eighth Amendment deliberate-indifference claim against APRN Morant based on allegations that she knowingly refused to provide a doctor-ordered pail needed for his finger rehabilitation.
5. The Eleventh Amendment bars Ewing's official-capacity damages claims and his request for a declaration that the defendants violated federal law in the past.

KEY QUOTATIONS

“For Ewing to state a plausible claim that any defendant was deliberately indifferent to his medical needs in violation of the Eighth Amendment, he must allege that “(1) objectively, the alleged deprivation of medical care was ‘sufficiently serious,’ and (2) subjectively, that the defendants acted or failed to act ‘while actually aware of a substantial risk that serious inmate harm will result.’” (at 8)

“An “inadvertent failure to provide adequate medical care” does not constitute “deliberate indifference.”” (at 9)

“But the “mere disagreement over the proper treatment does not create a constitutional claim. So long as the treatment given is adequate, the fact that a prisoner might prefer a different treatment does not give rise to an

Eighth Amendment violation.”” (at 9)

“Ewing’s strongest claim is his assertion that APRN Morant acted with deliberate indifference in violation of the Eighth Amendment when she refused to provide him with a pail that was ordered by a doctor to assist with Ewing’s rehabilitation.” (at 16)

FACTUAL BACKGROUND

Ewing, a sentenced inmate, injured his left fourth finger in a November 2024 altercation. At one emergency-room visit, Dr. Blomstrom initially noted a likely fracture and recommended X-rays, a splint, and ibuprofen, but Dr. Yang interpreted the X-rays as showing no acute fracture or dislocation, and Ewing was discharged without a splint. A second hospital later diagnosed a nondisplaced fracture and provided pain medication and a splint. Ewing alleged that APRN Morant twice refused to provide a small pail ordered by a doctor for finger-rehabilitation exercises, while asserting that the other medical defendants were deliberately indifferent through misdiagnosis, inadequate follow-up, or disagreement over treatment.

PROCEDURAL HISTORY

Ewing previously filed an amended complaint asserting Eighth and Fourteenth Amendment claims under 42 U.S.C. § 1983. The court dismissed all claims except an Eighth Amendment claim against APRN Morant in her individual capacity and allowed Ewing to amend. After reviewing the second amended complaint, the court permitted the individual-capacity Eighth Amendment claim against Morant to proceed and dismissed all other claims without prejudice.

DISPOSITION

other

CASES CITED

- Sanchez v. RN Debbie, 2018 WL 5314916, at *2 n.4 (D. Conn. Oct. 26, 2018)
- Giraldo v. Kessler, 694 F.3d 161, 164 (2d Cir. 2012)
- Imperato v. Otsego Cnty. Sheriff’s Dep’t., 2016 WL 1466545, at *26 (N.D.N.Y. Apr. 14, 2016)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Sykes v. Bank of Am., 723 F.3d 399, 403 (2d Cir. 2013)
- Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006)
- Tracy v. Freshwater, 623 F.3d 90, 101-02 (2d Cir. 2010)
- Bey v. Doe, 2025 WL 1167490, at *1 n.2 (D. Conn. Apr. 21, 2025)
- Wilson v. Seiter, 501 U.S. 294, 296-97 (1991)
- Darnell v. Pineiro, 849 F.3d 17, 29 (2d Cir. 2017)
- Estelle v. Gamble, 429 U.S. 97, 104-06 (1976)
- Washington v. Artus, 708 F. App’x 705, 708 (2d Cir. 2017)

- Salahuddin v. Goord, 467 F.3d 263, 279-80 (2d Cir. 2006)
- Brock v. Wright, 315 F.3d 158, 162 (2d Cir. 2003)
- Chance v. Armstrong, 143 F.3d 698, 702-04 (2d Cir. 1998)
- Hathaway v. Coughlin, 37 F.3d 63, 66, 70 (2d Cir. 1994)
- Harrison v. Barkley, 219 F.3d 132, 139 (2d Cir. 2000)
- Ellis v. Kim, 2024 WL 4882702, at *6 (S.D.N.Y. Nov. 25, 2024)
- Jusino v. Gallagher, 2022 WL 2078159, at *4 (D. Conn. June 9, 2022)
- Green v. McLaughlin, 480 F. App'x 44, 48 (2d Cir. 2012)
- Smith v. Carpenter, 316 F.3d 178, 184 (2d Cir. 2003)
- Harris v. Westchester Cnty. Med. Ctr., 2011 WL 2637429, at *3 (S.D.N.Y. July 6, 2011)
- Braham v. Perelmutter, 2017 WL 3222532, at *16-17 (D. Conn. July 28, 2017)
- Hill v. Curcione, 657 F.3d 116, 123 (2d Cir. 2011)
- Wright v. Smith, 21 F.3d 496, 501 (2d Cir. 1994)
- Tangreti v. Bachmann, 983 F.3d 609, 620 (2d Cir. 2020)
- Holliday v. Newington Police Dep't, 2020 WL 509696, at *4 (D. Conn. Jan. 31, 2020)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- In re Deposit Ins. Agency, 482 F.3d 612, 617 (2d Cir. 2007)
- Ex parte Young, 209 U.S. 123 (1908)
- Verizon Md., Inc. v. Public Serv. Comm'n of Md., 535 U.S. 635, 645 (2002)
- Brown v. Plata, 563 U.S. 493, 531 (2011)
- Lewis v. Casey, 518 U.S. 343, 357 (1996)
- P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 146 (1993)
- Green v. Mansour, 474 U.S. 64, 71 (1985)