

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

Shawn Tolbert v. Nurse Deborah Quesenberry, et al.

No. 7:23-cv-00534 (W.D. Va. Mar. 23, 2026) · No. 7:23-cv-00534 · Decided March 24, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants the defendants’ motion for summary judgment in Shawn Tolbert’s 42 U.S.C. § 1983 action. The court holds that the record does not support a finding that jail medical, mental-health, or correctional personnel acted with deliberate indifference to Tolbert’s medical needs in violation of the Fourteenth Amendment.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 24, 2026
DOCKET	7:23-cv-00534
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 1983 alleging deliberate indifference to medical needs, and defendants moved for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the facts and reasonable inferences in the light most favorable to the nonmovant and may not weigh evidence or make credibility determinations. A verified complaint may serve as an opposing affidavit when based on personal knowledge, but conclusory allegations are insufficient.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Shawn Tolbert v. Nurse Deborah Quesenberry, Lisa Ferguson, Samantha Hunt, Brenda Moran, James Keen, Donald Cornett

TOPICS

section 1983 summary judgment due process civil rights health law

PRACTICE AREAS

civil rights constitutional law prisoner civil rights summary judgment medical care

QUESTIONS PRESENTED

1. Whether the evidence created a genuine dispute of material fact that any defendant acted with deliberate indifference to Tolbert's serious medical needs in violation of the Fourteenth Amendment.
2. Whether the individual defendants were entitled to summary judgment on Tolbert's § 1983 claims.

HOLDINGS

1. A pretrial detainee asserting deliberate indifference to medical needs must present evidence that he had a condition posing a substantial risk of serious harm, the defendant intentionally, knowingly, or recklessly acted or failed to act to address the risk, the defendant knew or should have known both of the condition and the unjustifiably high risk created by the conduct, and the detainee was harmed. Tolbert failed to produce evidence from which a reasonable jury could find these elements as to any defendant.
2. Defendants were entitled to summary judgment because no reasonable jury could find that Hunt, Moran, Keen, Cornett, Ferguson, or Quesenberry acted with deliberate indifference to Tolbert's medical needs.

KEY QUOTATIONS

“To survive summary judgment on a Fourteenth Amendment claim of deliberate indifference, a pretrial detainee must present sufficient evidence to establish: (1) that the detainee “had a medical condition or injury that posed a substantial risk of serious harm”; (2) that “the defendant intentionally, knowingly, or recklessly acted or failed to act to appropriately address the risk that the condition posed”; (3) that “the defendant knew or should have known (a) that the detainee had that condition and (b) that the defendant’s action or inaction posed an unjustifiably high risk of harm”; and (4) that “as a result, the detainee was harmed.””

“For the reasons stated, the court concludes that there is no genuine dispute as to any material fact and that the defendants are entitled to judgment as a matter of law.”

FACTUAL BACKGROUND

Tolbert was transported to the New River Valley Regional Jail after treatment and discharge from a hospital emergency department following his arrest. He alleged that jail medical and correctional personnel failed to provide appropriate treatment for an asserted serious medical condition, including by leaving him on the floor of a cell and failing to return him to the emergency department. Jail records showed that his vital signs were normal, he was placed on observation, medical and mental-health personnel assessed him or attempted to do so, and he was later evaluated by a nurse practitioner who prescribed medication for his complaints. The court concluded that the evidence did not support a finding that any defendant knew or should have known of an unjustifiably high risk of serious harm or acted intentionally, knowingly, or recklessly in disregarding such a risk.

PROCEDURAL HISTORY

Tolbert, a pro se pretrial detainee, filed an amended § 1983 complaint against six employees of the New River Valley Regional Jail. After discovery and submission of declarations, medical records, and other exhibits, defendants moved for summary judgment. The court granted the motion, concluding that no reasonable jury could find deliberate indifference by any defendant.

DISPOSITION

other

CASES CITED

- Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989)
- Libertarian Party of Va. v. Judd, 718 F.3d 308, 312-13 (4th Cir. 2013)
- Dulaney v. Packaging Corp. of Am., 673 F.3d 323, 330 (4th Cir. 2012)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 252 (1986)
- Jacobs v. N.C. Admin. Office of the Courts, 780 F.3d 562, 568 (4th Cir. 2015)
- Lee v. Town of Seaboard, 863 F.3d 323, 327 (4th Cir. 2017)
- Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991)
- Goodman v. Diggs, 986 F.3d 493, 498 (4th Cir. 2021)
- Dash v. Mayweather, 731 F.3d 303, 311 (4th Cir. 2013)
- Mays v. Sprinkle, 992 F.3d 295, 300 (4th Cir. 2021)
- Short v. Hartman, 87 F.4th 593, 611 (4th Cir. 2023)
- Lee v. City of Richmond, 100 F. Supp. 3d 514, 523 (E.D. Va. 2015)
- Wellons, Inc. v. Lexington Ins. Co., 566 F. App'x 813, 819 n.4 (11th Cir. 2014)
- Bradshaw v. New Jersey, No. 3:18-cv-14089, 2026 WL 310110, at *11, *14 (D.N.J. Feb. 5, 2026)
- Beatrice v. Johnson, No. 24-7009, 2026 WL 624616, at *2 (4th Cir. Mar. 4, 2026)
- Arnett v. Webster, 658 F.3d 742, 766 (7th Cir. 2011)
- Estate of Miller v. Marberry, 847 F.3d 425, 431 (7th Cir. 2017)
- Phillips v. Bailey, 337 F. Supp. 2d 804, 807 (W.D. Va. 2004)
- Johnson v. Robinette, 105 F.4th 99, 123 (4th Cir. 2024)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994)