

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Rev Gerald Kiner v. Shelby County Government, Veronica Brown, in
her official capacity and individual capacity, and Terrice May

Kiner · No. 2:24-cv-02628-TLP-tmp · Decided January 26, 2026

SUMMARY

The United States District Court for the Western District of Tennessee grants Defendants’ motion for partial judgment on the pleadings in a case alleging First Amendment retaliation, intentional infliction of emotional distress under 42 U.S.C. § 1983, and breach of contract. The court dismisses the § 1983 claims with prejudice, finding that Plaintiff failed to plausibly allege a causal connection between his protected speech and the alleged adverse actions, and dismisses the breach-of-contract claim without prejudice after declining supplemental jurisdiction.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	January 26, 2026
DOCKET	2:24-cv-02628-TLP-tmp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(c) for partial judgment on the pleadings, seeking dismissal of Plaintiff's claims under 42 U.S.C. § 1983 and declining supplemental jurisdiction over the remaining breach-of-contract claim.
STANDARD OF REVIEW	A Rule 12(c) motion may be granted only when the moving party is clearly entitled to judgment. The Rule 12(b)(6) plausibility standard governs: the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and disregards legal conclusions and unwarranted factual inferences.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Rev Gerald Kiner v. Shelby County Government, Veronica Brown, Terrice May

TOPICS

motion for judgment on the pleadings

first amendment

free speech

section 1983

municipal liability

PRACTICE AREAS

civil rights

constitutional law

civil procedure

government contracts

contracts

municipal law

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly alleged First Amendment retaliation under 42 U.S.C. § 1983 against Brown and May in their individual capacities.
2. Whether Brown and May were entitled to qualified immunity at the pleading stage because Plaintiff failed to plausibly allege that they took adverse action because of his protected speech.
3. Whether Plaintiff plausibly alleged municipal liability against Shelby County under Monell.
4. Whether the court should exercise supplemental jurisdiction over Plaintiff's state-law breach-of-contract claim after dismissing all federal claims.
5. Whether Plaintiff stated a separate equal-protection claim.

HOLDINGS

1. Plaintiff plausibly alleged protected speech and adverse action, but failed to plausibly allege a causal link showing that Brown or May acted in response to that speech. The First Amendment retaliation claims against Brown and May were therefore dismissed.
2. Brown and May were entitled to dismissal of the individual-capacity claims because Plaintiff did not plausibly allege that either defendant violated his First Amendment rights.
3. Plaintiff failed to state a Monell claim because he alleged only a single incident involving his own contract and did not plausibly allege an unconstitutional County policy or custom that caused his injury.
4. The official-capacity claims against Brown and May were dismissed as redundant of the claims against Shelby County.
5. After dismissing all federal claims, the court declined to exercise supplemental jurisdiction over the remaining breach-of-contract claim and dismissed it without prejudice.

KEY QUOTATIONS

“For these reasons, the Court GRANTS Defendants’ Motion for Partial Judgment on the Pleadings, DISMISSES Plaintiff’s § 1983 claims WITH PREJUDICE, and DISMISSES Plaintiff’s breach of contract claim WITHOUT PREJUDICE.” (PageID 722)

“Declining to renew a contract is a classic example of adverse action.” (PageID 717)

“Because “[h]e has only his own experience on which to rely, [t]hat is not enough to state a claim against the County.”” (PageID 719)

FACTUAL BACKGROUND

On June 6, 2024, Plaintiff, acting as Director of Daughters of Zion, entered into a contract with Shelby County to provide violence-intervention and prevention services for up to \$249,500 plus reimbursable expenses. At a June 2024 County Commission meeting, Plaintiff criticized the County's contract-awarding process, alleging favoritism, lack of transparency, discrimination, and procedural violations. Plaintiff later submitted an invoice for \$93,656 and alleged that County officials failed to process or pay it and did not renew the contract in retaliation for his public comments. The court found that Plaintiff did not plausibly connect Brown or May's conduct to his protected speech and did not allege a County policy or custom supporting Monell liability.

PROCEDURAL HISTORY

Plaintiff filed suit in September 2024 and later filed an amended complaint asserting First Amendment retaliation, an intentional-infliction-of-emotional-distress claim under § 1983, and breach of contract. Defendants moved for partial judgment on the pleadings. The court granted the motion, dismissed the § 1983 claims with prejudice, and dismissed the state-law breach-of-contract claim without prejudice after declining supplemental jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Moderwell v. Cuyahoga Cnty.*, 997 F.3d 653, 659 (6th Cir. 2021)
- *Jackson v. Prof'l Radiology Inc.*, 864 F.3d 463, 466 (6th Cir. 2017)
- *Lindsay v. Yates*, 498 F.3d 434, 438 (6th Cir. 2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Munson Hardisty, LLC v. Legacy Pointe Apartments, LLC*, 659 F. Supp. 3d 546, 557 (E.D. Tenn. 2023)
- *Wamer v. Univ. of Toledo*, 27 F.4th 461, 466 (6th Cir. 2022), cert. denied, 214 L. Ed. 2d 253 (2022)
- *Arsan v. Keller*, 784 F. App'x 900, 909 (6th Cir. 2019)
- *Josephson v. Ganzel*, 115 F.4th 771, 783, 787 (6th Cir. 2024)
- *MacIntosh v. Clous*, 69 F.4th 309, 315–16 (6th Cir. 2023)
- *Hart v. Hillside Cnty., Michigan*, 973 F.3d 627, 632 (6th Cir. 2020)
- *Chrestman ex rel. Wooden v. Metro. Gov't of Nashville & Davidson Cnty.*, 156 F.4th 694, 701 (6th Cir. 2025)
- *DeLanis v. Metro. Gov't of Nashville & Davidson Cnty.*, 160 F.4th 732, 742–44 (6th Cir. 2025)
- *Cunningham v. Blackwell*, 41 F.4th 530, 541 (6th Cir. 2022)
- *Rideout v. Shelby Twp.*, 691 F. Supp. 3d 816, 825 (E.D. Mich. 2023)
- *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691–92, 694 (1978)
- *Fritz v. Charter Twp. of Comstock*, 592 F.3d 718, 723, 726 (6th Cir. 2010)
- *Stromberg v. California*, 283 U.S. 359, 368 (1931)
- *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019)

- Bloch v. Ribar, 156 F.3d 673, 678 (6th Cir. 1998)
- Stockdale v. Helper, 979 F.3d 498, 506 (6th Cir. 2020)
- Env't & Tech. Controls, Inc. v. City of Detroit, No. 04-73528, 2005 WL 1684140, at *3 (E.D. Mich. July 19, 2005)
- Charlie's Towing & Recovery, Inc. v. Jefferson Cnty., Ky., 183 F.3d 524, 527 n.3 (6th Cir. 1999)
- Med. Laundry Servs. v. Bd. of Trs. of Univ. of Alabama, 906 F.2d 571, 573 (11th Cir. 1990)
- Ramsey v. Bd. of Educ. of Whitley Cnty., Ky., 844 F.2d 1268, 1273 (6th Cir. 1988)
- Taylor Acquisitions, L.L.C. v. City of Taylor, 313 F. App'x 826, 831 (6th Cir. 2009)
- Dye v. Off. of the Racing Comm'n, 702 F.3d 286, 294 n.2, 305 (6th Cir. 2012)
- Top Flight Ent., Ltd. v. Schuette, 729 F.3d 623, 632 (6th Cir. 2013)
- Paige v. Coyner, 614 F.3d 273, 282–83 (6th Cir. 2010)
- Everson v. Leis, 556 F.3d 484, 495 (6th Cir. 2009)
- Wurzelbacher v. Jones-Kelley, 675 F.3d 580, 583 (6th Cir. 2012)
- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- Spencer v. City of Hendersonville, 487 F. Supp. 3d 661, 675 (M.D. Tenn. 2020), aff'd, No. 20-6168, 2021 WL 8016828 (6th Cir. Oct. 8, 2021)
- Coleman v. Hamilton Cnty. Bd. of Cnty. Commissioners, 130 F.4th 593, 599 (6th Cir. 2025)
- Hall v. Navarre, 118 F.4th 749, 757 (6th Cir. 2024)
- Burgess v. Fischer, 735 F.3d 462, 478 (6th Cir. 2013)
- Thomas v. City of Chattanooga, 398 F.3d 426, 429 (6th Cir. 2005)
- Stewart v. City of Memphis, 788 F. App'x 341, 347 (6th Cir. 2019)
- Nouri v. Cnty. of Oakland, 615 F. App'x 291, 296 (6th Cir. 2015)
- Alsaada v. City of Columbus, 536 F. Supp. 3d 216, 272 (S.D. Ohio 2021), modified, No. 20-3431, 2021 WL 3375834 (S.D. Ohio June 25, 2021)
- Leach v. Shelby Cnty. Sheriff, 891 F.2d 1241, 1247 (6th Cir. 1989)
- Collins v. City of Harker Heights, Tex., 503 U.S. 115, 122 (1992)
- Stanley v. W. Michigan Univ., 105 F.4th 856, 867 (6th Cir. 2024)