

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

YVONNE VALENTINE,

Plaintiff,

v.

SMITH COUNTY, TEXAS, and TURN
KEY HEALTH CLINICS, LLC,

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No. 6:24-cv-331-JDK

ORDER DENYING MOTION TO DISMISS

This is a civil rights lawsuit arising out of the death of pretrial detainee D’Vonte Marquese Valentine. Plaintiff Yvonne Valentine is D’Vonte’s mother and the independent administrator of his estate. Valentine alleges that Defendants Smith County and Turn Key Health Clinics, LLC violated D’Vonte’s constitutional rights while he was detained in the Smith County Jail. Turn Key provided healthcare services in the Smith County Jail pursuant to a contract with Smith County.

Before the Court is Turn Key’s motion to dismiss for failure to state a claim. Docket No. 16. For the reasons stated below, the motion is **DENIED**.

I.

According to the complaint, D’Vonte was arrested and incarcerated in the Smith County Jail as a pretrial detainee on November 16, 2022.¹ D’Vonte suffered

¹ As required by established law, the Court accepts as true all well-pleaded facts in the complaint and views them in the light most favorable to Plaintiff. *See Raj v. Louisiana State Univ.*, 714 F.3d 322, 330 (5th Cir. 2013).

from congenital adrenal hyperplasia, a preexisting medical condition that required steroid therapy. Docket No. 13 ¶¶ 7–10, 33. The day after D’Vonte was arrested, Valentine brought D’Vonte’s steroid medications to the jail, but they were not given to D’Vonte and were instead placed in his “property.” *Id.* ¶¶ 10, 28. On November 18, 2022, the medical logs indicate that a “task” was added for Dr. Gary White, a Turn Key physician working in the Jail, to verify the three different types of steroids brought by Valentine. *Id.* ¶ 10. Neither Dr. White nor anyone else from Turn Key verified the steroids, and D’Vonte’s medications were never administered to him. *Id.* ¶ 22.

Predictably, a couple of weeks later, the failure to treat D’Vonte’s condition resulted in an adrenal crisis. On November 28, 2022, around 4:30 a.m., D’Vonte fell from his bunk and sustained a gash in the corner of his eye. Medical staff arrived but had difficulty finding D’Vonte’s blood pressure and blood oxygen levels, and were informed that D’Vonte had not eaten in two days. *Id.* ¶ 15. Despite the failure to read D’Vonte’s vitals, medical staff “exited the pod and resumed their duties.” *Id.* Around 5:30 a.m., Nurse Kelly, a Turn Key employee, and Officer Courtney retrieved D’Vonte from his cell and began asking him questions, but D’Vonte “stopped walking and collapsed on a staircase while Officer Courtney was attempting to keep him upright.” *Id.* ¶ 16. As Nurse Kelly questioned D’Vonte, she “smelled something foul, and D’Vonte stopped responding.” *Id.* D’Vonte was then put back into his cell “to get more sleep.” *Id.*

Approximately one hour later, D’Vonte fell from his bunk a second time and was found lying on his back on the cell floor “unconscious, unresponsive,” and breathing very shallowly. *Id.* ¶¶ 11, 14, 16. Nursing staff tried unsuccessfully to help D’Vonte regain consciousness. *Id.* ¶ 11. Jail staff then called Emergency Medical Services, which transported D’Vonte to a local hospital, where he died on December 4, 2022. *Id.* ¶¶ 3, 29, 32. An investigation later revealed that D’Vonte died from complications from congenital adrenal hyperplasia. *Id.* ¶ 33. Valentine alleges that, while D’Vonte “passed away as a result of congenital adrenal hyperplasia . . . it was him not receiving his prescribed steroids which resulted in adrenal crisis and ultimately his death.” *Id.*

This lawsuit followed. Valentine alleges that Smith County and Turn Key violated D’Vonte’s constitutional rights by failing to provide him with required medical care. Valentine brings two claims against Turn Key—a federal claim under 42 U.S.C § 1983 and a state-law claim for medical malpractice. Turn Key moves to dismiss both counts for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

II.

Federal Rule of Civil Procedure 8(a) requires a complaint to include “a short and plain statement of the claim showing that the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). A complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim will have “facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct

alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556).

Under Federal Rule of Civil Procedure 12(b)(6), a defendant may move to dismiss a complaint that fails to state a claim. Such motions are “viewed with disfavor and are rarely granted.” *Lormand v. US Unwired, Inc.*, 565 F.3d 228, 232 (5th Cir. 2009). A claim cannot be dismissed under Rule 12(b)(6) unless the plaintiff “would not be entitled to relief under any set of facts or any possible theory that [she] could prove consistent with the allegations in the complaint.” *Muhammad v. Dallas Cnty. Cmty. Supervision & Corrs. Dep’t*, 479 F.3d 377, 380 (5th Cir. 2007) (quoting *Jones v. Greninger*, 188 F.3d 322, 324 (5th Cir. 1999)); *see also Twombly*, 550 U.S. at 563 (noting that “once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint”). The Court must accept “all well-pleaded facts in the complaint as true and viewed in the light most favorable to the plaintiff.” *Raj*, 714 F.3d at 330. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555).

III.

Turn Key first argues that Valentine failed to state “an actionable § 1983 claim against Turn Key” because (A) she “has not properly plead[ed] an underlying Constitutional deprivation” and (B) she has not alleged “facts sufficient to support a § 1983 claim . . . pursuant to the *Monell* theory of liability.” Docket No. 16 at 4–16.

Accepting the allegations as true and viewing them in the light most favorable to Valentine, the Court disagrees.

A.

According to Turn Key, Valentine failed to plead an underlying constitutional violation because she asserted a claim under the “episodic acts theory,” which requires allegations of “deliberate indifference,” and the complaint fails to allege that any Turn Key employee acted against D’Vonte with deliberate indifference. Docket No. 16 at 8–10.

Under 42 U.S.C. § 1983, any person who, acting under color of law, deprives a citizen “or other person . . . of any rights, privilege, or immunities secured by the Constitution and the laws . . . shall be liable to the party injured in an action at law.” *See also Livadas v. Bradshaw*, 512 U.S. 107, 132 (1994). A pretrial detainee may establish a constitutional deprivation under two theories: either “conditions of confinement” or “episodic act or omission.” *Est. of Henson v. Wichita County*, 795 F.3d 456, 463 (5th Cir. 2015); *see also Hare v. City of Corinth*, 74 F.3d 633, 644–45 (5th Cir. 1966) (en banc). A “conditions of confinement” claim is a constitutional attack on the “general conditions, practices, rules, or restrictions of pretrial confinement.” *Flores v. County of Hardeman*, 124 F.3d 736, 738 (5th Cir. 1997); *see also Scott v. Moore*, 114 F.3d 51, 53 (5th Cir. 1997) (en banc). For such a claim, a plaintiff “need not demonstrate that the state actor or municipality acted with intent to punish.” *Est. of Henson*, 795 F.3d at 463. An “episodic act or omission” claim, on the other hand, “faults specific jail officials for their acts or omissions.” *Id.* In such a case,

“intentionality is no longer presumed,” and the plaintiff must allege that the state official “kn[ew] of and disregard[ed] an excessive risk to inmate health or safety.” *Id.* at 464.

Here, Valentine has pleaded both theories. *See Sanchez v. Young County*, 866 F.3d 274, 279 n.3 (5th Cir. 2017) (“[P]laintiffs can bring a pretrial detainee case . . . under alternative theories of episodic acts and omissions by individual defendants or unconstitutional conditions of confinement.”).

First, Valentine alleges a conditions of confinement claim by stating that Turn Key had a practice of (i) “staff[ing] mental health and other medical positions with low-level nursing assistants who were trained to perform basic tasks, such as taking vital signs, but who could not diagnose or assess medical conditions”; (ii) making physicians and advanced-level nurses available only by telephone and only “for just a limited number of hours per week instead of actually making in-person visits”; (iii) restricting “the type of medication it would provide to people in jail, such as not giving detainees . . . prescriptions that they had received before being arrested”; and (iv) “fail[ing] to send [detainees] to the hospital when they were in crisis, catatonic, or refusing to eat or drink.” Docket No. 13 ¶ 37. Valentine also alleges that these practices or de facto policies of confinement resulted in the deaths of numerous detainees under Turn Key’s care, including D’Vonte. *Id.* ¶¶ 76–98.

These allegations are sufficient to state a conditions of confinement claim, even without stating that a Turn Key employee acted with deliberate indifference. *See, e.g., Edler v. Hockley Cnty. Comm’rs Ct.*, 589 F. App’x 664, 668 (5th Cir. 2014) (A

plaintiff may state a conditions of confinement claim by alleging “(1) a rule or restriction, an intended condition or practice, or a de facto policy as evidenced by sufficiently extended or pervasive acts of jail officials, (2) not reasonably related to a legitimate governmental objective, and (3) that violated his constitutional rights.”); *see also Wilson v. Seiter*, 501 U.S. 294, 299 n.1 (1991) (“[I]f an individual prisoner is deprived of needed medical treatment, that is a condition of *his* confinement, whether or not the deprivation is inflicted upon everyone else . . . we see no basis whatever for saying that the one is a ‘condition of confinement’ and the other is not.”). Indeed, when a plaintiff alleges that a “jail’s evaluation, monitoring, and treatment of inmates with chronic illness” is “grossly inadequate due to poor or non-existent procedures and . . . caused . . . injury,” then a court can “reasonably infer a de facto jail policy of failing properly to treat inmates with chronic illness.” *Cleveland v. Gautreaux*, 198 F. Supp. 3d 717, 738 (M.D. La. 2016) (citing *Shepherd v. Dallas County*, 591 F.3d 445, 453 (5th Cir. 2009)).

Second, Valentine has also sufficiently stated an episodic act or omissions theory. Valentine claims that Turn Key staff knew that D’Vonte’s mother had left steroid medication for him, but they failed to verify with his personal physician regarding the need for the medication and never administered the medication as required. Docket No. 13 ¶¶ 25, 28. The complaint also alleges that a nurse working for Turn Key (“Nurse Kelly”) had a “hunch” that D’Vonte was in physical danger on November 28 and yet took no immediate action to help him. *Id.* ¶ 16. Instead, despite knowing that D’Vonte had fallen and not eaten in two days and that his vital signs

were weak and difficult to detect, Nurse Kelly initially left D’Vonte in his cell and then later merely tried speaking with him until he became unconscious and “a Code Blue was called.” *Id.* Thus, according to the complaint, Nurse Kelly deliberately ignored obvious signs that D’Vonte was in distress and failed to get him basic medical care until it was too late. *See Hyatt v. Thomas*, 843 F.3d 172, 177 (5th Cir. 2016) (To state an episode-acts theory of liability, a plaintiff must allege the official: (1) was “aware of facts from which the inference could be drawn that a substantial risk of serious harm exists”; (2) “actually dr[e]w the inference”; and (3) “disregard[ed] the risk by failing to take reasonable measures to abate it.”); *see also Spikes v. McVea*, 2022 WL 1320446, at *4 (E.D. La. May 3, 2022) (“Nurses may also act with deliberate indifference ‘[w]hen the need for treatment is obvious’ and the medical care they provide is ‘so cursory as to amount to no treatment at all.’” (citations omitted)).

Although the evidence may later reveal that Turn Key acted reasonably under the circumstances, the facts alleged in the complaint are sufficient to state that Turn Key violated D’Vonte’s constitutional rights as a pretrial detainee in the Smith County Jail.

B.

Turn Key next contends that Valentine failed to flesh out the complaint’s “formulaic recitation” of the elements of *Monell* liability. Docket No. 16 at 10–16.

Under § 1983, a municipality “may be liable where ‘the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body’s officers.’” *Hicks-Fields v. Harris County*, 860 F.3d 803, 808 (5th Cir. 2017) (quoting *Monell v.*

Dept. of Soc. Servs., 436 U.S. 658, 690 (1978)). A private company like Turn Key, which provides medical services for a county jail, “is treated as a municipal or local government for the purposes of 42 U.S.C. § 1983, and therefore, claims against such a company are analyzed as *Monell* claims.” *Kibbey v. Collin Cnty. Det. Facility*, 2023 WL 2598666, at *3 (E.D. Tex. Mar. 1, 2023), *report and recommendation adopted*, 2023 WL 2593152 (E.D. Tex. Mar. 20, 2023). To state a *Monell* claim, a plaintiff must allege that the defendant entity had: “(1) an official policy (or custom), of which (2) a policy maker can be charged with actual or constructive knowledge, and (3) a constitutional violation whose ‘moving force’ is that policy (or custom).” *Pineda v. City of Houston*, 291 F.3d 325, 328 (5th Cir. 2002). Generally, a plaintiff must also allege that “the policy was implemented with ‘deliberate indifference’ to the ‘known or obvious consequences’ that a constitutional violation would result,” which can often be satisfied by alleging that the policy “caused a pattern of constitutional violations.” *E.g., Ford v. Anderson County*, 102 F.4th 292, 320 (5th Cir. 2024).

The complaint here states a *Monell* claim against Turn Key. As noted above, the complaint satisfies the first element by alleging that Turn Key had a practice, custom, or de facto policy of failing to promptly treat detainees like D’Vonte with serious medical issues. *See supra*, Section III.A; *see also* Docket No. 13 ¶ 37; *Cleveland*, 198 F. Supp. 3d at 738.

The complaint also satisfies the second element by alleging that Turn Key policymakers were aware that: (i) detainees routinely needed immediate medical care and Turn Key failed to provide it; (ii) Turn Key failed to act to address observed

serious health issues while monitoring detainees; (iii) Turn Key refused to transport detainees who vitally needed emergency medical care to a local emergency room; (iv) Turn Key contacted Emergency Medical Services or transported a detainee to a local hospital only if the detainee appeared to be near death or nonresponsive; and (v) Turn Key incentivized its employees or alleged independent contractors through bonuses or other benefits to reduce the number of times detainees were transported to local hospitals. Docket No. 13 ¶ 51. Indeed, the complaint alleges that Turn Key’s contract with Smith County endorsed many of these practices in writing. *Id.* ¶¶ 36–47; *see Groden v. City of Dallas*, 826 F.3d 280, 284 (5th Cir. 2016) (“[T]he complaint need only allege facts that show an official policy, promulgated or ratified by the policymaker, under which the municipality is said to be liable.”); *Hicks-Fields*, 860 F.3d at 808 (complaint must allege “actual or constructive knowledge of such custom by the municipality or the official who had policymaking authority”). Valentine’s failure to name a specific policymaker at Turn Key, moreover, is not fatal at this stage of the proceeding. *See Martinez v. Nueces County*, 71 F.4th 385, 392 (5th Cir. 2023) (“[A] plaintiff is not required to identify the precise policymaker to make out a *Monell* claim.”).

The complaint alleges the third element by stating sufficient facts demonstrating a causal link between Turn Key’s policies and D’Vonte’s death. Docket No. 13 ¶¶ 7, 50, 103, 105. As the complaint contends, absent Turn Key’s practice or de facto policy of failing to provide emergency medical care under the circumstances here, D’Vonte’s death would not have occurred. *Id.*

And finally, where necessary, the complaint pleads that Turn Key’s de facto policies were implemented with deliberate indifference. Docket No. 13 ¶¶ 35, 50, 60. In addition to alleging the specifics of D’Vonte’s death, Valentine describes numerous “[o]ther incidents of suffering and death in the County jail and on Turn Key Health’s watch,” including identifying detainees who allegedly died from delayed treatment or because they did not receive medications as prescribed by physicians. Docket No. 13 ¶¶ 75–98; *see Ford*, 102 F.4th at 320 (plaintiff can “establish deliberate indifference by showing a pattern of prior constitutional violations” or by describing “a single incident” where “the injury suffered was a ‘highly predictable’ consequence of the policy”) (quoting *Valle v. City of Houston*, 613 F.3d 536, 547, 549 (5th Cir. 2010)).

* * *

Accordingly, the Court **DENIES** the motion to dismiss the § 1983 claim against Turn Key.²

IV.

Turn Key argues that the state law malpractice claim should also be dismissed because Valentine fails to “allege the standard of care.” Docket No. 16 at 18. Again, the Court disagrees.

Under Texas law, medical negligence claims are considered “healthcare liability claims.” *Nichols v. United States*, 2022 WL 989467, at *4 (5th Cir. Apr. 1, 2022). A healthcare liability claim is one “against a health care provider or physician

² Turn Key also notes that under § 1983, municipalities cannot be vicariously liable. Docket 16 at 11. It’s unclear to the Court whether Valentine asserts a claim of vicarious liability, but if so, the claim fails as a matter of law and is hereby dismissed. *See Connick v. Thompson*, 563 U.S. 51, 60 (2011) (citing *Monell*, 436 U.S. at 691).

for treatment, lack of treatment, or other claimed departure from accepted standards of medical care, or health care, or safety or professional or administrative services directly related to health care.” TEX. CIV. PRAC. & REM. CODE § 74.001(13). And, under healthcare liability claims, “a healthcare employer can be ‘vicariously liable for its employee’s negligent acts if those acts are within the course and scope of his employment.’” *Alexander v. S. Health Partners, Inc.*, 2023 WL 3961704, at *8 (N.D. Tex. June 12, 2023) (quoting *Painter v. Amerimex Drilling I, Ltd.*, 561 S.W.3d 125, 131 (Tex. 2018)). To state a healthcare liability claim, a plaintiff must allege “(1) a duty by the [provider] to act according to a certain standard; (2) a breach of the applicable standard of care; (3) injury or harm to . . . plaintiff; and (4) a causal connection between the breach of the applicable standard of care and the injury or harm.” *Nichols*, 2022 WL 989467, at *4.

The complaint here adequately alleges each of the elements of a healthcare liability claim against Turn Key. Regarding the standard of care, the complaint identifies several standards governing medical providers in a jail setting, including the contract between Turn Key and Smith County, a Turn Key policy manual, and the Texas Commission on Jail Standards. Docket No. 13 ¶¶ 40–47, 60–75. That’s sufficient at this stage in the proceeding. *See Albritton v. Henderson County*, 2024 WL 1776380, at *4 (N.D. Tex. Apr. 23, 2024) (holding that plaintiff sufficiently identified the governing standard of care by citing the National Commission on Correctional Health Care standards and the medical providers’ own written policies).


Accordingly, the Court **DENIES** Turn Key’s motion to dismiss the state law

malpractice claim.

V.

For the reasons stated above, the motion to dismiss (Docket No. 16) is
DENIED.

So **ORDERED** and **SIGNED** this **30th** day of **May, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE