

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, ROCK ISLAND DIVISION

Osbaldo Jose-Nicolas v. Dr. Ek, Nurse Jane Doe, and Wexford Health
Sources, Inc.

Jose-Nicolas v. Ek · No. 4:26-cv-04104-JEH · Decided June 25, 2026

SUMMARY

The United States District Court for the Central District of Illinois conducted a merit review under 28 U.S.C. § 1915A of a pro se prisoner’s § 1983 complaint concerning alleged deliberate indifference to a left-arm injury. The court allowed the Eighth Amendment claims to proceed against Nurse Jane Doe and Dr. Ek, while dismissing Wexford Health Sources, Inc. without prejudice because the complaint did not allege a qualifying policy or practice. The order also addressed identification and service of the Doe defendant and other case-management procedures.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	June 25, 2026
DOCKET	4:26-cv-04104-JEH
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 reviewed under 28 U.S.C. § 1915A at the pleading stage.
STANDARD OF REVIEW	On merit review under 28 U.S.C. § 1915A, the court accepted factual allegations as true and liberally construed them in the plaintiff's favor, but disregarded conclusory statements and required allegations sufficient to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Osbaldo Jose-Nicolas v. Dr. Ek, Nurse Jane Doe, Wexford Health Sources, Inc.

TOPICS

section 1983 prisoners rights cruel and unusual punishment motions to dismiss civil procedure

PRACTICE AREAS

civil rights prisoner civil rights constitutional law civil procedure health law

QUESTIONS PRESENTED

1. Whether Plaintiff pleaded sufficient facts to proceed under the Eighth Amendment against Nurse Jane Doe and Dr. Ek for deliberate indifference to a serious medical need.
2. Whether Plaintiff stated a § 1983 claim against Wexford Health Sources, Inc. by alleging injury caused by a Wexford policy or practice.

HOLDINGS

1. Plaintiff alleged sufficient facts to proceed on an Eighth Amendment claim against Nurse Jane Doe and Dr. Ek based on their alleged deliberate indifference to his left-arm injury and pain.
2. Wexford was dismissed without prejudice because Plaintiff did not allege that a Wexford policy or practice caused his injury; Wexford could not be held liable merely for the actions of its employees.

KEY QUOTATIONS

“The official must know of and disregard an excessive risk to the inmate’s health; “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.””

“The prisoner must show that the defendant engaged in more than negligence and that the defendant’s conduct approached intentional wrongdoing or criminal recklessness.”

FACTUAL BACKGROUND

Plaintiff alleged that he slipped on water at Hill Correctional Center on November 15, 2024, fell, and heard a pop in his left arm. He alleged that Nurse Jane Doe minimized his complaints and ended the encounter, while Dr. Ek examined the bruised arm and sent him to an emergency room but provided Tylenol rather than the pain medication prescribed by a specialist. A later orthopedic specialist recommended an MRI, and Plaintiff was placed in the infirmary for pain management.

PROCEDURAL HISTORY

Plaintiff, an incarcerated person proceeding pro se, filed a complaint alleging deliberate indifference to a left-arm injury and pain. On merit review, the court allowed an Eighth Amendment deliberate-indifference claim to proceed against Nurse Jane Doe and Dr. Ek, dismissed Wexford without prejudice for failure to plead a policy or practice causing the alleged injury, and directed the case to proceed to service.

DISPOSITION

other

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649-51 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Wilson v. Ryker, 451 F. App'x 588, 589 (7th Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hayes v. Snyder, 546 F.3d 516, 522 (7th Cir. 2008)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Holloway v. Delaware Cnty. Sheriff, 700 F.3d 1063, 1073 (7th Cir. 2012)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 691-92 (1978)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2012)
- Pacelli v. DeVito, 972 F.2d 871, 877 (7th Cir. 1992)

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