

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
HELENA DIVISION

Jay Donald Witkowski v. Cindy McGillis-Hiner and Peter Molnar

Witkowski · No. CV 24-49-H-DWM; 6:24-cv-00049 · Decided February 18, 2026

SUMMARY

The United States District Court for the District of Montana granted summary judgment to Cindy McGillis-Hiner and Peter Molnar in a pro se detainee’s action alleging inadequate medical care in violation of the Eighth Amendment. The court held that claims against Molnar were either time-barred or unsupported by evidence of deliberate indifference, and that claims against Hiner were barred by the plaintiff’s failure to exhaust available administrative remedies under the PLRA. The court denied the plaintiff’s motion for summary judgment and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the District of Montana, Helena Division
WRITING FOR THE COURT	Donald W. Molloy
JURISDICTION	United States District Court for the District of Montana, Helena Division
DECIDED	February 18, 2026
DOCKET	CV 24-49-H-DWM; 6:24-cv-00049
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se state pretrial detainee, brought an action under 42 U.S.C. § 1983 alleging constitutionally inadequate medical care. The parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. On cross-motions, the court independently evaluates each motion and views reasonable inferences in favor of the nonmoving party for that motion. The court also applied the Eighth Amendment deliberate-indifference standard and the PLRA exhaustion standard.
PRECEDENTIAL VALUE	Unknown; district court opinion with no published reporter citation identified

TOPICS

section 1983 prisoners rights summary judgment statute of limitations health law

PRACTICE AREAS

civil rights prisoner medical care constitutional litigation civil procedure

QUESTIONS PRESENTED

1. Whether Witkowski's claims against Molnar based on his hernia, knee infection, forearm lump, and rectal bleeding were barred by Montana's three-year personal-injury limitations period.
2. Whether the undisputed evidence showed that Molnar was deliberately indifferent to Witkowski's serious medical needs in violation of the Eighth Amendment.
3. Whether Witkowski exhausted available administrative remedies before bringing his claims against Hiner under the Prison Litigation Reform Act.
4. Whether Witkowski was entitled to summary judgment on his inadequate-medical-care claims.

HOLDINGS

1. Claims based on Witkowski's hernia, knee infection, forearm lump, and rectal bleeding were time-barred because they accrued more than three years before the action was filed.
2. Molnar was entitled to summary judgment because the undisputed record did not show deliberate indifference to Witkowski's serious medical needs.
3. Hiner was entitled to summary judgment because Witkowski failed to exhaust available administrative remedies before bringing his claims.
4. Witkowski was not entitled to summary judgment because the undisputed evidence did not establish defendants' liability for constitutionally inadequate medical care.

KEY QUOTATIONS

“For the reasons provided below, summary judgment is granted in favor of the defendants.” (at 1)

“Because these conditions were resolved more than three years before this lawsuit was filed in July 2024, any claim against Molnar based on these facts is time-barred.” (at 11)

“An inmate’s preference for a particular medication that is not provided by an institution does not, by itself, give rise to deliberate indifference.” (at 14)

“This means “a prisoner must complete the administrative review process in accordance with the applicable procedural rules, including deadlines, as a precondition to bringing suit in federal court.”” (at 16)

FACTUAL BACKGROUND

Witkowski was incarcerated at Crossroads Correctional Center from May 2018 through December 2023 and was then transferred to Montana State Prison. He alleged inadequate treatment for multiple medical and mental-

health conditions, with the principal claim concerning delay in back surgery after his transfer. The undisputed medical records showed treatment including surgery for a hernia, emergency treatment for a knee infection, imaging and injections for back pain, vision care, and medication adjustments for mental-health symptoms. The court concluded that Crossroads provided medically responsive care and that Witkowski had not exhausted the grievance process for claims against Hiner concerning Montana State Prison.

PROCEDURAL HISTORY

Witkowski filed suit on July 25, 2024, and after screening under 28 U.S.C. § 1915A filed an amended complaint against Cindy McGillis-Hiner and Peter Molnar. The defendants answered and the case proceeded under a scheduling order. Witkowski moved for summary judgment, and Hiner and Molnar filed separate cross-motions. The court denied Witkowski's motion, granted both defendants' motions, and directed the clerk to enter judgment and close the case.

DISPOSITION

other

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Tatum v. Moody*, 768 F.3d 806, 814 (9th Cir. 2014)
- *Soto v. Sweetman*, 882 F.3d 865, 870 (9th Cir. 2018)
- *Fair Housing Council of Riverside County, Inc. v. Riverside Two*, 249 F.3d 1132, 1137 (9th Cir. 2001)
- *Lenz v. Universal Music Corp.*, 815 F.3d 1145, 1150 (9th Cir. 2016)
- *Tolan v. Cotton*, 572 U.S. 650, 657 (2014) (per curiam)
- *Pliler v. Ford*, 542 U.S. 225, 231 (2004)
- *Johnson v. California*, 207 F.3d 650, 653 (9th Cir. 2000)
- *Whalen v. McMullen*, 907 F.3d 1139, 1145 (9th Cir. 2018)
- *Colwell v. Bannister*, 763 F.3d 1060, 1066 (9th Cir. 2014)
- *Estelle v. Gamble*, 429 U.S. 97, 103-05 (1976)
- *Snow v. McDaniel*, 681 F.3d 978, 985 (9th Cir. 2012)
- *Peralta v. Dillard*, 744 F.3d 1076 (9th Cir. 2014) (en banc)
- *Hamby v. Hammond*, 821 F.3d 1085, 1092 (9th Cir. 2016)
- *Simmons v. G. Arnett*, 2022 WL 3906207, at *5 (9th Cir. Aug. 31, 2022)
- *Franklin v. Oregon*, 662 F.2d 1337, 1344 (9th Cir. 1981)
- *Toguchi v. Chung*, 391 F.3d 1051, 1058 (9th Cir. 2004)
- *Woodford v. Ngo*, 548 U.S. 81, 88 (2006)
- *Booth v. Churner*, 532 U.S. 731, 741 (2001)
- *Jones v. Bock*, 549 U.S. 199, 211, 216, 218 (2007)
- *Albino v. Baca*, 747 F.3d 1162, 1172 (9th Cir. 2014)

- Williams v. Paramo, 775 F.3d 1182, 1191 (9th Cir. 2015)

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