

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, TERRE HAUTE DIVISION

Brandon Michael Council v. Gina Sacchetti and Thomas J. Watson

Council · No. 2:21-cv-00302-JPH-MKK · Decided March 17, 2026

SUMMARY

The court grants defendants' motion for summary judgment and denies plaintiff Brandon Michael Council's cross-motion and motion for default judgment in an Eighth Amendment Bivens action. The court holds that Council's challenge to his placement and conditions in the Special Confinement Unit presents a new Bivens context and cannot proceed, while his claim concerning deliberate indifference to serious mental health needs could proceed under Carlson but fails on the merits because the evidence does not show deliberate indifference.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Terre Haute Division
WRITING FOR THE COURT	James Patrick Hanlon
JURISDICTION	United States District Court for the Southern District of Indiana, Terre Haute Division
DECIDED	March 17, 2026
DOCKET	2:21-cv-00302-JPH-MKK
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in a Bivens action alleging that federal prison officials were deliberately indifferent to the plaintiff's serious mental-health needs and that conditions of confinement violated the Eighth Amendment; the plaintiff also moved for default 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. The court views the record and draws reasonable inferences in favor of the nonmoving party, may not weigh evidence or make credibility determinations, and considers the materials cited by the parties. On cross-motions, inferences are drawn in favor of the party opposing the motion at issue.

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Brandon Michael Council v. Gina Sacchetti, Thomas J. Watson

TOPICS

summary judgment prisoners rights cruel and unusual punishment civil rights remedies

PRACTICE AREAS

civil rights prisoner litigation constitutional litigation federal courts summary judgment

QUESTIONS PRESENTED

1. Whether Council's claim that his placement and continued confinement in the Special Confinement Unit harmed his mental health and violated the Eighth Amendment presented a new Bivens context.
2. Whether special factors, including alternative remedial mechanisms and congressional competence, counseled against extending a Bivens damages remedy to the conditions-of-confinement claim.
3. Whether Council's claim that Defendants were deliberately indifferent to his serious mental-health needs could proceed under Bivens and Carlson.
4. Whether the designated evidence created a genuine dispute that Dr. Sacchetti or Warden Watson acted with deliberate indifference to Council's serious medical needs.
5. Whether Council was entitled to default judgment merely because Defendants did not separately respond to his summary-judgment motion.

HOLDINGS

1. Council's claim that confinement in the Special Confinement Unit adversely affected his mental health and itself violated the Eighth Amendment presented a new Bivens context because the mechanism of injury was the conditions of confinement rather than inadequate medical care.
2. Special factors foreclosed extending Bivens to Council's conditions-of-confinement damages claim.
3. Council's claim alleging deliberate indifference to his serious mental-health needs arose from allegedly constitutionally inadequate medical care in a federal prison and could proceed under Bivens and Carlson.
4. No reasonable jury could find that Dr. Sacchetti was deliberately indifferent to Council's mental-health needs, and Warden Watson likewise could not be liable because the record did not show deliberate indifference by the medical provider. Defendants were therefore entitled to summary judgment.
5. Council was not entitled to default judgment because Defendants' summary-judgment motion responded to his arguments, and a nonmovant's failure to respond does not automatically establish the movant's entitlement to summary judgment.

KEY QUOTATIONS

“The Court concludes that Mr. Council's claim based on allegations that placement in the SCU adversely impacted his mental health cannot proceed under Bivens.”

“No reasonable jury could conclude, based on this designated evidence, that Dr. Sacchetti was deliberately indifferent to Mr. Council's mental health needs.”

FACTUAL BACKGROUND

Council was housed in the Special Confinement Unit at USP Terre Haute, where he alleged that prolonged restrictive confinement harmed his mental health and that Defendants failed to obtain psychiatric medication or otherwise address his needs. Dr. Sacchetti, a staff psychologist, repeatedly evaluated Council, advised him that she could not prescribe medication, directed him to seek medication through Health Services, and raised his medication request with medical staff. Council did not pursue medication from a qualified prescribing provider and identified no evidence that Sacchetti's evaluations or treatment departed substantially from accepted professional judgment. Warden Watson was a nonmedical supervisory official who received grievances concerning the conditions but did not change them.

PROCEDURAL HISTORY

Council filed the action on August 2, 2021. After the original and first amended complaints were screened and dismissed with opportunities to amend, the court allowed the third amended complaint's Eighth Amendment damages claims against Sacchetti and Watson to proceed under Bivens and Carlson. The case was stayed during Council's direct criminal appeal and the stay was later lifted. Council moved for summary judgment, Defendants moved for summary judgment, and Council moved for default judgment. The court denied Council's motions and granted Defendants' motion for summary judgment.

DISPOSITION

other

CASES CITED

- United States v. Council, 77 F.4th 240 (4th Cir. 2023)
- Khungar v. Access Community Health Network, 985 F.3d 565 (7th Cir. 2021)
- Miller v. Gonzalez, 761 F.3d 822 (7th Cir. 2014)
- Grant v. Trustees of Indiana University, 870 F.3d 562 (7th Cir. 2017)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Valenti v. Lawson, 889 F.3d 427 (7th Cir. 2018)
- Tripp v. Scholz, 872 F.3d 857 (7th Cir. 2017)
- R.J. Corman Derailment Services, LLC v. International Union of Operating Engineers, Local Union 150, AFL-CIO, 335 F.3d 643 (7th Cir. 2003)
- Robinson v. Waterman, 1 F.4th 480 (7th Cir. 2021)
- Galvan v. Norberg, 678 F.3d 581 (7th Cir. 2012)

- *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971)
- *Carlson v. Green*, 446 U.S. 14 (1980)
- *Ziglar v. Abbasi*, 582 U.S. 120 (2017)
- *Egbert v. Boule*, 142 S. Ct. 1793 (2022)
- *Davis v. Passman*, 442 U.S. 228 (1979)
- *Hernandez v. Mesa*, 140 S. Ct. 735 (2020)
- *Cohen v. Trump*, 2024 WL 20558 (2d Cir. Jan. 2, 2024)
- *Mammanna v. Barben*, 856 F. App'x 411 (3d Cir. 2021)
- *Tate v. Harmon*, 54 F.4th 839 (4th Cir. 2022)
- *Sebolt v. Tyndall*, 2021 WL 4948959 (S.D. Ind. Oct. 25, 2021)
- *DeBenedetto v. Salas*, 2023 WL 6388127 (N.D. Ill. Sept. 29, 2023)
- *Thomas v. Illinois*, 697 F.3d 612 (7th Cir. 2012)
- *Correctional Services Corp. v. Malesko*, 534 U.S. 61 (2001)
- *Sargeant v. Barfield*, 87 F.4th 358 (7th Cir. 2023)
- *Watkins v. Mohan*, 144 F.4th 926 (7th Cir. 2025)
- *Thomas v. Blackard*, 2 F.4th 716 (7th Cir. 2021)
- *Johnson v. Dominguez*, 5 F.4th 818 (7th Cir. 2021)
- *Dean v. Wexford Health Sources, Inc.*, 18 F.4th 214 (7th Cir. 2021)
- *Petties v. Carter*, 836 F.3d 722 (7th Cir. 2016)
- *Cole v. Fromm*, 94 F.3d 254 (7th Cir. 1996)
- *Estelle v. Gamble*, 429 U.S. 97 (1976)
- *Thomas v. Martina*, 991 F.3d 763 (7th Cir. 2021)
- *Stockton v. Milwaukee County*, 44 F.4th 605 (7th Cir. 2022)
- *Payne v. Pauley*, 337 F.3d 767 (7th Cir. 2003)
- *White v. City of Chicago*, 829 F.3d 837 (7th Cir. 2016)
- *McGee v. Adams*, 721 F.3d 474 (7th Cir. 2013)