

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Ulises Almaraz v. Sergeant Mahaland, Sergeant Wentz, Officer
Ashbrook, and John Doe #'s 1-5

Almaraz · No. 26-cv-8-NJR · Decided April 21, 2026

SUMMARY

This memorandum and order conducts preliminary screening under 28 U.S.C. § 1915A of Ulises Almaraz’s prisoner civil-rights complaint alleging that officials failed to protect him from an assault by a cellmate. The court allowed an Eighth Amendment failure-to-protect claim to proceed against Sergeants Mahaland and Wentz, while dismissing claims against Officer Ashbrook and five John Doe defendants without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 21, 2026
DOCKET	26-cv-8-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Preliminary screening of a prisoner civil-rights complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A, dismissing claims that were frivolous, malicious, failed to state a claim, or sought damages from an immune defendant. The court applied the plausibility pleading standard under Bell Atlantic Corp. v. Twombly.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Ulises Almaraz v. Sergeant Mahaland, Sergeant Wentz, Officer Ashbrook, John Doe #'s 1-5

TOPICS

prisoners rights

section 1983

civil rights

due process

service of process

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

service of process

QUESTIONS PRESENTED

1. Whether Almaraz stated an Eighth Amendment failure-to-protect claim against Sergeants Mahaland and Wentz.
2. Whether Almaraz stated an Eighth Amendment failure-to-protect claim against Officer Ashbrook.
3. Whether the claims against unidentified John Doe defendants were sufficiently based on personal involvement.
4. Whether prison officials' failure to honor Administrative Review Board determinations violated a state-created liberty interest protected by the Fourteenth Amendment.
5. Whether service by the United States Marshal was necessary at the preliminary-review stage.

HOLDINGS

1. The complaint stated a failure-to-protect claim against Mahaland and Wentz because Almaraz alleged that he informed them of his one-man-cell assignment and the danger of placement with another inmate, they ignored those warnings, and his cellmate then assaulted him.
2. The complaint failed to state a failure-to-protect claim against Ashbrook because it did not allege when Ashbrook placed Almaraz in shared housing or that Ashbrook knew of the one-man-cell determination or a specific, impending, and substantial threat to Almaraz's safety.
3. The claims against John Doe #'s 1-5 were dismissed without prejudice because Almaraz did not identify the personal involvement of any particular Doe defendant.
4. The complaint failed to state a Fourteenth Amendment due-process claim because prison grievance systems do not create protected interests under the Due Process Clause.
5. Claims mentioned in the complaint but not adequately addressed in the order were dismissed without prejudice as inadequately pleaded under the plausibility standard.

KEY QUOTATIONS

"At this stage, Almaraz states a failure to protect claim against Mahaland and Wentz."

"But Almaraz fails to state a claim against Officer Ashbrook."

"Thus, his claims against John Doe #'s 1-5 are DISMISSED without prejudice."

FACTUAL BACKGROUND

Almaraz alleged that the Illinois Department of Corrections Administrative Review Board granted him a one-man-cell assignment after he sought protective custody because of safety concerns. He alleged that Sergeants

Mahaland and Wentz knew of the assignment and his warnings about the danger of double-celling him, but forced him into a cell with another inmate in June 2023, after which the cellmate assaulted him. He further alleged that Officer Ashbrook later continued placing him in shared housing, but did not provide sufficient facts showing when Ashbrook did so or that Ashbrook knew of the specific safety determination and impending threat.

PROCEDURAL HISTORY

Almaraz filed a complaint under 42 U.S.C. § 1983 alleging that prison officials failed to protect him from an assault by a cellmate and failed to honor a one-man-cell assignment. On preliminary review, the court allowed the Eighth Amendment failure-to-protect claim to proceed against Sergeants Mahaland and Wentz, dismissed the claims against Officer Ashbrook and John Doe defendants without prejudice, dismissed the Fourteenth Amendment due-process claim without prejudice, and denied as moot Almaraz's motion for service by the United States Marshal.

DISPOSITION

other

CASES CITED

- Gentry v. Duckworth, 65 F.3d 555, 561 (7th Cir. 1995)
- Burks v. Raemisch, 555 F.3d 592, 594 (7th Cir. 2009)
- Owens v. Hinsley, 635 F.3d 950, 953 (7th Cir. 2011)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Pope v. Shafer, 86 F.3d 90, 92 (7th Cir. 1996)

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