

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

Alexander Brady v. Jeffery Lower, et al.

Brady · No. 1:26-cv-01052-JEH · Decided March 19, 2026

SUMMARY

The court dismissed without prejudice Alexander Brady’s 42 U.S.C. § 1983 complaint concerning allegedly inadequate bedding and hygiene items during his detention at the Tazewell County Jail. The court held that the complaint did not adequately allege personal involvement by the individual defendants or a municipal policy or custom supporting liability against the Tazewell County Sheriff’s Office. The court granted Brady a final opportunity to amend and denied his motion for appointed counsel with leave to renew.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	March 19, 2026
DOCKET	1:26-cv-01052-JEH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Merit-review screening of a pro se prisoner's complaint under 28 U.S.C. § 1915A; the court considered the complaint's sufficiency under Federal Rule of Civil Procedure 12(b)(6) and a motion requesting appointed counsel.
STANDARD OF REVIEW	At § 1915A screening, the court accepted factual allegations as true and construed them liberally in the plaintiff's favor, but required sufficient factual matter to state a plausible claim for relief. The court applied the Rule 12(b)(6) failure-to-state-a-claim standard and reviewed the request for appointed counsel under the two-part Pruitt standard.
PRECEDENTIAL VALUE	unknown

PARTIES

Alexander Brady v. Jeffery Lower, Mike Harper, Dave Harper, Mike Kirk, Tazewell County Sheriff's Office

TOPICS

section 1983 prisoners rights due process motions to dismiss civil procedure

PRACTICE AREAS

civil rights litigation prisoner litigation constitutional law federal civil procedure

QUESTIONS PRESENTED

1. Whether Brady's allegations stated a Fourteenth Amendment conditions-of-confinement claim against the individual defendants under 42 U.S.C. § 1983.
2. Whether Brady stated a municipal-liability claim against the Tazewell County Sheriff's Office under Monell.
3. Whether Brady demonstrated a reasonable effort to obtain counsel sufficient to satisfy the first prong of the Pruitt test for appointed counsel.

HOLDINGS

1. The complaint failed to state a claim because Brady did not allege facts showing that the individual defendants personally participated in, caused, or were deliberately reckless as to the alleged deprivation during the relevant period.
2. The complaint failed to state a municipal-liability claim because it did not allege an official policy, widespread custom, or action by a final policymaker that was the moving force behind the alleged constitutional deprivation.
3. The motion to request counsel was denied because Brady did not demonstrate a reasonable attempt to obtain counsel, satisfying the first prong of the Pruitt test.

KEY QUOTATIONS

“As a pretrial detainee, Plaintiff’s “conditions-of-confinement claim arises under the Due Process Clause of the Fourteenth Amendment, which is governed by an objective standard.””

“Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A.”

FACTUAL BACKGROUND

Brady, a pretrial detainee at the Tazewell County Jail, alleged that after his April 19, 2025 arrest he was held in a medical-area cell with one blanket and was forced to sleep on a concrete surface until April 22. He also alleged that he was denied soap and other hygiene items, causing physical pain, bruising, and negative effects on his mental health. He did not identify the official to whom he complained during the relevant period or allege that the named defendants knew of the conditions at that time; his grievance was filed months later.

PROCEDURAL HISTORY

Brady filed a 42 U.S.C. § 1983 complaint against Tazewell County Jail officials and the Tazewell County Sheriff's Office, alleging unconstitutional conditions of confinement. The court dismissed the complaint without prejudice for failure to state a claim, granted a final opportunity to amend within 30 days, and denied his motion to request counsel with leave to renew.

DISPOSITION

dismissed

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)
- Kemp v. Fulton Cnty., 27 F.4th 491, 495 (7th Cir. 2022)
- Hardeman v. Curran, 933 F.3d 816, 827 (7th Cir. 2019)
- Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015)
- Miranda v. County of Lake, 900 F.3d 335, 352 (7th Cir. 2018)
- Palmer v. Marion Cnty., 327 F.3d 588, 594 (7th Cir. 2003)
- Glasco v. Prulhiere, 2009 WL 54298, at *1 (S.D. Ind. Jan. 8, 2009)
- Diaz v. McBride, 1994 WL 750707, at *4 (N.D. Ind. Nov. 30, 1994)
- Vance v. Peters, 97 F.3d 987, 991 (7th Cir. 1996)
- Brown v. Randle, 847 F.3d 861, 865 (7th Cir. 2017)
- Sanville v. McCaughtry, 266 F.3d 724, 740 (7th Cir. 2001)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 659 (1978)
- Teesdale v. City of Chicago, 690 F.3d 829, 833-34 (7th Cir. 2012)
- Estate of Sims ex rel. Sims v. County of Bureau, 506 F.3d 506, 515 (7th Cir. 2007)
- Lewis v. City of Chicago, 496 F.3d 645, 656 (7th Cir. 2007)
- Olson v. Morgan, 750 F.3d 708, 711 (7th Cir. 2014)
- Pruitt v. Mote, 503 F.3d 647, 649, 655 (7th Cir. 2007)
- Eagan v. Dempsey, 987 F.3d 667, 682 (7th Cir. 2021)

OPINION

Brady

PER CURIAM.

IN THE

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF ILLINOIS

PEORIA DIVISION

ALEXANDER BRADY,

Plaintiff, v. Case No. 1:26-cv-01052-JEH JEFFERY LOWER, et al., Defendants. Merit Review Order Plaintiff, proceeding pro se and currently in the custody of the Tazewell County Jail (“Jail”), filed a Complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights. (Doc. 1). This case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A. I In reviewing the Complaint, the Court accepts the factual allegations as true, liberally construing them in Plaintiff’s favor. *Turley v. Rednour*, 729 F.3d 645, 649- 51 (7th Cir. 2013). However, conclusory statements and labels are insufficient. Enough facts must be provided to “state a claim for relief that is plausible on its face.” *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir. 2013) (citation and internal quotation marks omitted). While the pleading standard does not require “detailed factual allegations,” it requires “more than an unadorned, the- defendant-unlawfully-harmed-me accusation.” *Wilson v. Ryker*, 451 F. App’x 588, 589 (7th Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). II Plaintiff files suit against Sheriff Jeffery Lower, Jail Superintendent Mike Harper, Deputy Jail Superintendent Dave Harper, Jail Operations Supervisor Mike Kirk, and the Tazewell County Sheriff’s Office. On April 19, 2025, Plaintiff was arrested and taken to the Jail where he was searched, photographed, and fingerprinted. Plaintiff was placed in a cell in the medical area. Plaintiff alleges he was given one blanket and forced to sleep on a concrete surface from April 19-22, 2025. Plaintiff was not allowed to have soap or other hygiene items. Due to the lack of proper bedding, Plaintiff alleges he suffered back, hip, arm, and joint pain and bruising. Plaintiff alleges the lack of hygiene items caused a negative effect on his mental health. When Plaintiff complained to health care staff, he was told there was nothing they could do due to facility policy. On October 7, 2025, Plaintiff submitted a grievance about the lack of proper bedding and personal hygiene items. Defendant Kirk responded to the grievance and stated that Plaintiff was held in temporary detention pending a court appearance on April 22, 2025, and following the detention hearing, Plaintiff was officially admitted to the Jail and provided with clothing, bedding, and hygiene items in accordance with Illinois County Jail Standards. (Doc. 1 at p. 11). Plaintiff claims he should have received proper bedding and hygiene items as soon as he was booked or processed into the facility.

III

As a pretrial detainee, Plaintiff’s “conditions-of-confinement claim arises under the Due Process Clause of the Fourteenth Amendment, which is governed by an objective standard.” *Kemp v. Fulton Cnty.*, 27 F.4th 491, 495 (7th Cir. 2022) (citing *Hardeman v. Curran*, 933 F.3d 816 (7th Cir. 2019)). Under this standard, Plaintiff must plead: “(1) the conditions in question are or were objectively serious . . . ; (2) the defendant acted purposefully, knowingly, or recklessly with respect to the consequences of his actions; and (3) the defendant’s actions were objectively unreasonable—that is ‘not rationally related to a legitimate governmental objective or . . . excessive

in relation to that purpose.” Hardeman, 933 F.3d at 827 (quoting *Kingsley v. Hendrickson*, 576 U.S. 389, 397 (2015)). “Objective reasonableness ‘turns on the facts and circumstances of each particular case.’” Kemp, 27 F.4th at 495 (quoting *Kingsley*, 586 U.S. at 397). This standard is higher than that required to prove negligence, or even gross negligence and is “akin to reckless disregard.” *Miranda v. Cnty. of Lake*, 900 F.3d 335, 352 (7th Cir. 2018). Plaintiff does not identify who he complained to about the lack of proper bedding and hygiene items, nor does he allege that Defendants were aware of these conditions between April 19-22, 2025. Plaintiff alleges he filed a grievance (Jail Form #1879), but this is insufficient to establish liability against Defendants. (Doc. 1 at p. 7). See *Palmer v. Marion Cnty.*, 327 F.3d 588, 594 (7th Cir. 2003); *Glasco v. Prulhiere*, 2009 WL 54298, at *1 (S.D. Ind. Jan. 8, 2009) (“Even if [plaintiff] wrote letters to these defendants, this fact alone is insufficient to support recovery from supervisory defendants.”); *Diaz v. McBride*, 1994 WL 750707, at *4 (N.D. Ind. Nov. 30, 1994) (holding that a plaintiff could not establish personal involvement, and subject a prison official to liability under § 1983, merely by sending the official various grievances). Additionally, his grievance was submitted on October 7, 2025, months after he was allegedly denied bedding and hygiene items. *Id.* at p. 11. An individual is liable under § 1983 only if he or she personally participated in or caused the alleged deprivation. *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996). Defendants Lower, Mike Harper, Dave Harper, and Kirk are not liable based solely on their supervisory positions. See *Brown v. Randle*, 847 F.3d 861, 865 (7th Cir. 2017) (“Public officials are accountable for their own conduct, but they are not vicariously liable for the acts of their subordinates.”). If officials are named, they must be named in their individual capacities, and Plaintiff must allege that the official personally participated in the deprivation or was deliberately reckless as to the misconduct of subordinates or was aware and condoned, acquiesced, or turned a blind eye to it. *Sanville v. McCaughtry*, 266 F.3d 724, 740 (7th Cir. 2001). Plaintiff’s Complaint also fails to state a claim against the Tazewell County Sheriff’s Office pursuant to *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 659 (1978). “To establish municipal liability, a plaintiff must show the existence of an official policy or other governmental custom that not only causes but is the moving force behind the deprivation of constitutional rights.” *Teesdale v. City of Chicago*, 690 F.3d 829, 833-34 (7th Cir. 2012) (internal quotation omitted). A plaintiff can establish an official policy through “(1) an express policy that causes a constitutional deprivation when enforced; (2) a widespread practice that is so permanent and well-settled that it constitutes a custom or practice; or (3) an allegation that the constitutional injury was caused by a person with final policymaking authority.” *Est. of Sims ex rel. Sims v. Cnty. of Bureau*, 506 F.3d 506, 515 (7th Cir. 2007) (citing *Lewis v. City of Chicago*, 496 F.3d 645, 656 (7th Cir. 2007)). Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A. The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice. Plaintiff’s Amended Complaint

will replace Plaintiff's Complaint in its entirety. The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. IV Plaintiff filed a Motion to Request Counsel asking the Court to appoint an attorney to represent him. (Doc. 4). "There is no right to court-appointed counsel in federal civil litigation." *Olson v. Morgan*, 750 F.3d 708, 711 (7th Cir. 2014) (citing *Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007)). When evaluating a Motion to Request Counsel, the Court must consider: "(1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Pruitt*, 503 F.3d at 655. Plaintiff states he sent letters to three law firms on January 14, 2026, but as of January 28, 2026, he had not received any responses. (Doc. 4 at p. 3). Demonstrating a reasonable effort to obtain representation typically requires submitting letters from several attorneys declining assistance and copies of any documents which show Plaintiff tried to find an attorney. See *Olson*, 750 F.3d at 711. Plaintiff has not demonstrated a reasonable attempt to secure his own lawyer. Because Plaintiff has not satisfied the first prong of *Pruitt*, the Court does not address the second. *Eagan v. Dempsey*, 987 F.3d 667, 682 (7th Cir. 2021). Plaintiff's Motion is DENIED with leave to renew. If Plaintiff renews his motion, he is directed to attach additional copies of letters he sent to or received from prospective counsel, list additional attorneys or law firms he contacted, and indicate whether he received a response. IT IS THEREFORE ORDERED: 1) Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A. The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice. Plaintiff's Amended Complaint will replace Plaintiff's Complaint in its entirety. The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. 2) Plaintiff's Motion to Request Counsel [4] is DENIED. 3) The Clerk is directed to send Plaintiff a blank Section 1983 complaint form. It is so ordered. Entered: March 19, 2026 s/Jonathan E. Hawley U.S. District Judge