

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Shung Moore v. Rob Jeffreys, Darren Galloway, Lt. Browning, Jay
Medley, Sgt. Huering, Sgt. Vaughn, Sgt. Thompson, Sgt. Crim, Sgt.
Kunath, Sgt. Bernard, Sgt. Williams, and Sgt. Dean

Moore · No. 25-cv-01567-SMY · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Shung Moore’s 42 U.S.C. § 1983 action concerning allegedly frigid segregation-cell conditions at Shawnee Correctional Center. The court held that the claims were filed beyond Illinois’s two-year statute of limitations for personal-injury actions and dismissed the complaint with prejudice. The court directed the Clerk to close the case and enter judgment.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Staci M. Yandle
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 2, 2026
DOCKET	25-cv-01567-SMY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 screened under 28 U.S.C. § 1915A; the district court dismissed the complaint with prejudice as time-barred.
STANDARD OF REVIEW	Threshold screening under 28 U.S.C. § 1915A; dismissal is proper when the complaint is legally frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant. A complaint may be dismissed at screening when its allegations establish as a matter of law that the claims are barred by the statute of limitations.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Shung Moore v. Rob Jeffreys, Darren Galloway, Lt. Browning, Jay Medley, Sgt. Huering, Sgt. Vaughn, Sgt. Thompson, Sgt. Crim, Sgt. Kunath, Sgt. Bernard, Sgt. Williams, Sgt. Dean

TOPICS

section 1983 prisoners rights cruel and unusual punishment equal protection statute of limitations

PRACTICE AREAS

civil rights prisoner litigation constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether the prisoner's § 1983 claims arising from alleged unconstitutional living conditions and differential treatment were barred by the applicable two-year statute of limitations.
2. Whether the district court could dismiss the complaint with prejudice during § 1915A screening because the complaint's allegations established that the claims were untimely.

HOLDINGS

1. The claims were time-barred because Illinois's two-year statute of limitations for personal-injury actions applies to the § 1983 claims, and Moore filed suit more than two years after the alleged injuries.
2. A district court may dismiss a complaint during threshold screening when the plaintiff pleads facts establishing that the claims are legally time-barred.

KEY QUOTATIONS

“Although the statute of limitations is typically raised as an affirmative defense, a plaintiff can plead himself out of court by alleging facts in a Complaint that establish no entitlement to relief as a matter of law.”

(Discussion)

“The Complaint (Doc. 1) is DISMISSED with prejudice as all federal constitutional claims are time-barred.”

(Disposition)

FACTUAL BACKGROUND

Moore, an inmate, alleged that he endured extreme cold, inadequate heat, and the absence of plastic sheeting over a cell window while housed in segregation at Shawnee Correctional Center from December 21 through December 28, 2022. He alleged that he experienced shivering, coughing, and sneezing and complained to multiple correctional officials. He also alleged that segregation inmates were denied plastic sheeting provided to general-population inmates and that supervisory officials failed to maintain adequate heating and related equipment.

PROCEDURAL HISTORY

Shung Moore filed a pro se § 1983 complaint on August 11, 2025 concerning allegedly unconstitutional living conditions in segregation at Shawnee Correctional Center from December 21 through December 28, 2022. On statutory screening, the court concluded that the complaint itself established that the claims were filed more than two years after the alleged injuries. The court dismissed the action with prejudice and directed the Clerk to close the case and enter judgment.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Chambers v. Cross, 788 F. App'x 1032, 1033 (7th Cir. 2019)
- Cesal v. Moats, 851 F.3d 714, 721-22 (7th Cir. 2017)
- O'Gorman v. City of Chicago, 777 F.3d 885, 888-89 (7th Cir. 2015)
- Hollander v. Brown, 457 F.3d 688, 691 n. 1 (7th Cir. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS SHUNG MOORE, #B12832,)) Plaintiff,)) vs.) Case No. 25-cv-01567-SMY) ROB JEFFREYS,) DARREN GALLOWAY,) LT. BROWNING,) JAY MEDLEY,) SGT. HUERING,) SGT. VAUGHN,) SGT. THOMPSON,) SGT. CRIM,) SGT. KUNATH,) SGT. BERNARD,) SGT. WILLIAMS,) and SGT. DEAN,)) Defendants.) MEMORANDUM & ORDER YANDLE, Chief District Judge: Plaintiff Shung Moore, an inmate at Pinckneyville Correctional Center, filed this civil rights action pursuant to 42 U.S.C. § 1983 for constitutional claims arising from allegedly frigid living conditions in segregation at Shawnee Correctional Center from December 21-28, 2022.

(Doc. 1). Plaintiff signed the Complaint on August 7, 2025 and filed it August 11, 2025. Id. at 21. 28 U.S.C. § 1915A requires the Court to screen prisoner Complaints and dismiss any portion that is legally frivolous or malicious, fails to state a claim, or seeks money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915A(a), (b).

Because Plaintiff filed this lawsuit outside of the 2-year statute of limitations applicable to his § 1983 claims, the Complaint and this action are time-barred. The Complaint Plaintiff makes the following allegations in the Complaint (Doc. 1, pp. 12-20): Plaintiff complains of unconstitutional living conditions he endured for one week in segregation at Shawnee from December 21-28, 2022.

He describes extreme cold, no heat, and no plastic covering for his cell window. Id. at 9. Plaintiff had a blanket but lacked adequate clothing for such cold conditions. Id. at 13. At times, the windchill was below zero, and it snowed one day. Id. Plaintiff shivered, sneezed, and coughed,

even while he was bundled under his blanket. *Id.* at 20. He complained about the inadequate heat to Lieutenant Heuring on December 22, 2022; Sergeant Vaughn on December 23, 2022; Sergeants Thompson and Crim on December 25, 2022; Sergeant Kunath on December 26-28, 2022; Sergeant Bernard and Jay Medley on December 26, 2022; Sergeant Williams on December 27, 2022; and Sergeant Dean on December 28, 2022.

Id. at 13-15. One of these officers told Plaintiff a power outage compromised the heating system, but assured him that Warden Galloway was working on it. *Id.* at 15. Plaintiff claims that segregation inmates were singled out for different treatment. General population inmates were given plastic sheeting by maintenance staff in November 2022. *Id.* at 16- 17. Maintenance personnel encouraged these inmates to cover their cell windows to prevent cold air from entering their cells.

When he transferred to segregation on December 3, 2022, Plaintiff was denied plastic sheeting. Consequently, segregation inmates suffered more than others. *Id.* On January 6, 2023, Sergeant Dean told Plaintiff that Lieutenant Browning was the housing unit supervisor responsible for the living conditions in segregation. *Id.* at 17-18. Along with Warden Galloway, Lieutenant Browning failed to ensure the availability, use, and maintenance of the heating system, backup generator, and plastic sheeting.

IDOC Director Jeffries likewise failed to monitor the living conditions in segregation. *Id.* at 19. Based on the allegations, the Court designates the following claim in the pro se Complaint: Count 1: Eighth Amendment against Defendants for subjecting Plaintiff to frigid living conditions in segregation at Shawnee Correctional Center from December 21-28, 2022.

Count 2: Fourteenth Amendment equal protection claim against Defendants for singling out inmates in segregation for the denial of plastic sheeting to cover their windows during cold temperatures at Shawnee Correctional Center from December 21-28, 2022. Count 3: Eighth Amendment claim against IDOC Director Jeffries, Warden Galloway, and Lieutenant Browning for failing to ensure use of the heating system, back up generator, or plastic sheeting for inmates in segregation at Shawnee Correctional Center from December 21-28, 2022.

Any other claim mentioned in the Complaint but not addressed herein is considered dismissed without prejudice under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Discussion Because § 1983 contains no statute of limitations, courts borrow the statute of limitations for personal injury actions from the state where the injury occurred. See 42 U.S.C. § 1983; *Chambers v. Cross*, 788 F. App'x 1032, 1033 (7th Cir.

2019). A two-year statute of limitations applies to personal injury claims in Illinois. 735 ILCS § 5/13-202; *Cesal v. Moats*, 851 F.3d 714, 721-22 (7th Cir. 2017). As such, Plaintiff was required to file suit within two years of his injury. Plaintiff alleges unconstitutional living conditions at

Shawnee that occurred December 21- 28, 2022. His alleged injuries are shivering, coughing, and sneezing that coincided with cold exposure.

Plaintiff signed the Complaint on August 7, 2025 and filed it on August 11, 2025; more than 2 years and 7 months after the date of his injury, which is beyond the expiration of the 2-year limitations period. Consequently, the claims asserted in the Complaint are time-barred.

Although the statute of limitations is typically raised as an affirmative defense, a plaintiff can plead himself out of court by alleging facts in a Complaint that establish no entitlement to relief as a matter of law. *O’Gorman v. City of Chicago*, 777 F.3d 885, 888-89 (7th Cir. 2015) (citing *Hollander v. Brown*, 457 F.3d 688, 691 n. 1 (7th Cir. 2006)). When that occurs, a district court may dismiss the Complaint on threshold review.

Id. Here, the allegations in the Complaint clearly show that Plaintiff filed suit outside of the allowable timeframe. Consequently, he has pleaded himself out of court. Disposition The Complaint (Doc. 1) is DISMISSED with prejudice as all federal constitutional claims are time-barred. If Plaintiff wishes to appeal this dismissal, his notice of appeal must be filed with this Court within thirty days of the entry of judgment.

FED. R. APP. P. 4(a)(1)(A). A motion for leave to appeal in forma pauperis should set forth the issues Plaintiff plans to present on appeal. See FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$605.00 appellate filing fee irrespective of the outcome of the appeal. See FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2).

Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur a “strike” under 28 U.S.C. § 1915(g). A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

The Clerk’s Office is DIRECTED to close this case and enter judgment accordingly. IT IS SO ORDERED. DATED: February 2, 2026 s/ Staci M. Yandle STACI M. YANDLE Chief U.S. District Judge