

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Ar-Raafi Nichols v. Christel S. Crow, Gregory Little, Diane Skorch,
C/O Cacioppo, A. Desai, and Lt. O'Leary

Nichols · No. 25-cv-01577-SPM · Decided January 6, 2026

SUMMARY

The United States District Court for the Southern District of Illinois conducts preliminary review under 28 U.S.C. § 1915A of an incarcerated plaintiff’s § 1983 complaint. The court allows a First Amendment retaliation claim against commissary employee Cacioppo to proceed, dismisses the remaining retaliation, due process, and medical-care claims without prejudice, terminates the other defendants, and denies the motion for recruitment of counsel.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 6, 2026
DOCKET	25-cv-01577-SPM
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 subjected to preliminary screening under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss any portion of a prisoner complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks damages from an immune defendant. The court applied the plausibility standard under Bell Atlantic Corp. v. Twombly.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Ar-Raafi Nichols v. Christel S. Crow, Gregory Little, Diane Skorch, C/O Cacioppo, A. Desai, Lt. O'Leary

TOPICS

section 1983

prisoners rights

first amendment

due process

joinder

PRACTICE AREAS

civil rights litigation

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Nichols plausibly stated a First Amendment retaliation claim against Cacioppo, O'Leary, and Little.
2. Whether Nichols stated a Fourteenth Amendment due-process claim based on a disciplinary ticket, hearing, and twenty-five-day segregation term.
3. Whether Nichols's medical-care allegations against Desai and O'Leary were properly joined with the retaliation claim under Federal Rule of Civil Procedure 20.
4. Whether claims against Skorch should be dismissed because the complaint contained no factual allegations against her.
5. Whether recruitment of counsel was warranted at the early stage of the litigation.

HOLDINGS

1. Nichols plausibly stated a First Amendment retaliation claim against Cacioppo because he alleged that she expressly refused to permit commissary purchases in retaliation for his grievances.
2. Nichols failed to plausibly state retaliation claims against O'Leary and Little because he alleged no facts connecting their actions to his grievance activity.
3. Nichols failed to state a due-process claim based on twenty-five days in segregation because that period, without additional allegations concerning the conditions, was insufficient by itself to establish a protected liberty interest, and the complaint did not allege denial of the informal process otherwise required.
4. Nichols's medical-care claims against Desai and O'Leary were improperly joined because they were not transactionally related to the surviving commissary-retaliation claim against Cacioppo.
5. Nichols failed to state a claim against Skorch because the complaint merely named her in the caption and alleged no conduct by her.
6. Recruitment of counsel was denied because Nichols demonstrated reasonable efforts to obtain counsel but was capable of representing himself at the early stage of this straightforward case.

KEY QUOTATIONS

“A plaintiff cannot state a claim against a defendant by including the defendant’s name in the caption.”

“unrelated claims against different defendants belong in different suits”

“IT IS HEREBY ORDERED that the Complaint survives preliminary review pursuant to 28 U.S.C. § 1915A.”

FACTUAL BACKGROUND

Nichols, an Illinois prisoner, alleged that Cacioppo denied him access to the commissary after he filed grievances against her. He also alleged that O'Leary removed him from medical observation after he lost consciousness and that Little later imposed twenty-five days in segregation following a disciplinary hearing. Nichols further alleged that he received inadequate medical care after losing consciousness and after exposure to smoke from a prison fire.

PROCEDURAL HISTORY

Nichols filed a complaint alleging retaliation for filing grievances, denial of due process, and inadequate medical care. On preliminary review, the court dismissed all claims against Skorch, allowed the First Amendment retaliation claim to proceed against Cacioppo, dismissed that claim against O'Leary and Little, dismissed the due-process and medical-care claims without prejudice, denied recruitment of counsel, and directed service on Cacioppo.

DISPOSITION

other

CASES CITED

- Collins v. Kibort, 143 F.3d 331, 334 (7th Cir. 1998)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Bridges v. Gilbert, 557 F.3d 541, 546 (7th Cir. 2009)
- Massey v. Johnson, 457 F.3d 711, 716 (7th Cir. 2006)
- Manuel v. Nalley, 966 F.3d 678, 680 (7th Cir. 2020)
- Zimmerman v. Tribble, 226 F.3d 568, 573 (7th Cir. 2000)
- Jackson v. Anastasio, 150 F.4th 851, 862 (7th Cir. 2025)
- Ealy v. Watson, 109 F.4th 958, 966 (7th Cir. 2024)
- Adams v. Reagle, 91 F.4th 880, 895 (7th Cir. 2024)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Kadamovas v. Steven, 706 F.3d 843, 845 (7th Cir. 2013)
- Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS AR-RAAFI NICHOLS, Plaintiff, Case No. 25-cv-01577-SPM v. CHRISTEL S. CROW, GREGORY LITTLE, DIANE SKORCH, C/O CACIOPPO, A. DESAI, and LT. O'LEARY, Defendants. MEMORANDUM AND ORDER MCGLYNN, District Judge: Plaintiff Ar-Raafi Nichols, an inmate of the Illinois Department of Corrections who is currently incarcerated at Menard Correctional Center, brings this civil action pursuant to 42 U.S.C. § 1983

for violations of his constitutional rights that occurred while he was at Pinckneyville Correctional Center.

The Complaint is now before the Court for preliminary review pursuant to 28 U.S.C. § 1915A. Under Section 1915A, any portion of a complaint that is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or requests money damages from a defendant who by law is immune from such relief must be dismissed. See 28 U.S.C. § 1915A(b).

THE COMPLAINT Plaintiff alleges the following: On February 9, 2024, Plaintiff went to the commissary, and Ms. Cacioppo, a commissary employee, “refused to shop [him] because [he] file grievances on her.” (Doc. 1, p. 6).

On February 19, 2024, Plaintiff passed out in his cell, hit his head on the floor, and lost consciousness. (Doc. 1, p. 6). Plaintiff was taken to the health care unit, but neither Physician Assistant Desai nor any of the nurses evaluated him for a head injury or a concussion. Instead, he was placed on a twenty-three-hour evaluation by Desai.

After five hours had passed, he was removed from the twenty-three-hour evaluation by Lieutenant O’Leary and walked to segregation. Plaintiff was written a disciplinary ticket for “drug and drug paraphernalia.” Plaintiff states that he was issued the ticket because staff was retaliating against him for filing grievances and because they wanted to “get rid of” his hardship transfer.

(Id.). Later that night, Plaintiff again lost consciousness, and he woke up on the floor of his cell. (Id. at p. 7). On February 23, 2024, another inmate in Plaintiff’s housing wing started a fire. (Doc. 1, p. 7). The window in Plaintiff’s cell did not open, and the entire housing wing filled with smoke. (Id.). Plaintiff did not receive medical treatment from two unknown individuals, and he lost consciousness that night.

(Id.). On February 28, 2024, Plaintiff went to the commissary, and Ms. Cacioppo again “refused to shop [him].” (Doc. 1, p. 7). She told him he could shop the following week, but he was not allowed to make commissary purchase that next week as well. Plaintiff was prohibited from shopping at the commissary for the entire months of February and March, even though Plaintiff’s status was A-Grade.

(Id.). On March 5, 2024, a disciplinary hearing on the ticket was held before Lieutenant Little. (Doc. 1, p. 7). Plaintiff was sanctioned with twenty-five days in segregation. Plaintiff states that he was placed in segregation in retaliation for filing grievances on the staff at Pinckneyville Correctional Center. (Id.). PRELIMINARY DISMISSAL The Court dismisses all claims Plaintiff is intending to bring against Diane Skorch, described as a member of the Adjustment Committee.

(Doc. 1, p. 2). Plaintiff does not assert any allegations against Diane Skorch in the Complaint, and merely invoking the name of a potential defendant is not sufficient to state a claim against that

individual. See *Collins v. Kibort*, 143 F.3d 331, 334 (7th Cir. 1998) (“A plaintiff cannot state a claim against a defendant by including the defendant’s name in the caption.”).

DISCUSSION Based on Plaintiff’s allegations and his articulation of his claims, the Court designates the following counts: Count 1: First Amendment claim against Cacioppo, O’Leary, and Little for retaliating against Plaintiff because he filed grievances. Count 2: Fourteenth Amendment claim against O’Leary, Little, and Crow for denying Plaintiff due process.

Count 3: Eighth Amendment claim against O’Leary and Desai for denying Plaintiff adequate medical treatment for his serious medical condition that caused him to repeatedly lose consciousness. The parties and the Court will use these designations in all future pleadings and orders, unless otherwise directed by a judicial officer of this Court. Any other claim that is mentioned in the Complaint but not addressed in this Order should be considered dismissed without prejudice as inadequately pled under the *Twombly* pleading standard.

Count 1 To succeed on a First Amendment retaliation claim, Plaintiff must show “that (1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would 1 *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). likely deter First Amendment activity in the future; and (3) the First Amendment activity was ‘at least a motivating factor’ in the Defendants’ decision to take the retaliatory action.” *Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir. 2009) (quoting *Massey v. Johnson*, 457 F.3d 711, 716 (7th Cir. 2006)). Plaintiff asserts that in retaliation for filing grievances Cacioppo prevented him from making purchases at the commissary, O’Leary placed him in segregation and issued him a disciplinary ticket, and Little sanctioned him with twenty-five days in segregation.

The only factual allegation Plaintiff provides to support his conclusion that Defendants’ conduct was motivated by the filing of grievances is that Cacioppo personally told Plaintiff on February 9, 2024, that she was refusing to allow him to purchase items at the commissary because he filed grievances against her.

Thus, Count 1 will proceed against Cacioppo. Count 1, however, is dismissed as to O’Leary and Little. Plaintiff offers no supporting facts from which the Court can plausibly infer that O’Leary and Little were motivated to punish Plaintiff with segregation because he filed grievances. Plaintiff does not include any details concerning the grievances or connecting the filing of grievances to the retaliatory acts, such as when the grievances were filed or when and how O’Leary and Little knew about the grievances.

See *Manuel v. Nalley*, 966 F. 3d 678, 680 (7th Cir. 2020) (“[t]he motivating factor amounts to a causal link between the activity and the unlawful retaliation.”). Based on the factual allegations in the Complaint, Plaintiff has failed to set forth a chronology of events that supports a retaliation claim against O’Leary and Little. See *Zimmerman v. Tribble*, 226 F. 3d 568, 573 (7th Cir.

2000). Count 2 Plaintiff has failed to state a due process claim. As a result of the disciplinary ticket and subsequent disciplinary hearing, Plaintiff served twenty-five days in segregation. (Doc. 1, p. 7). Plaintiff does not describe his time in segregation, and twenty-five days is “not long enough to deprive him of a liberty interest on its own.” *Jackson v. Anastasio*, 150 F. 4th 851, 862 (7th Cir.

2025). Thus, due process was not required prior to his placement in segregation. The Court further notes that even if Plaintiff had been deprived of a liberty interest, he does include any allegations that he was in fact denied due process.

Because he was facing segregation, not the reduction of good time credits, Plaintiff was entitled to only informal due process. “[I]nformal due process requires only that an inmate is provided (1) ‘notice of the reasons for the inmate’s placement’ in segregation and (2) ‘an opportunity to present his views,’ for instance, in a written statement or at a hearing.” *Ealy v. Watson*, 109 F.4th 958, 966 (7th Cir.

2024) (quoting *Adams v. Reagle*, 91 F.4th 880, 895 (7th Cir. 2024)). Plaintiff does not claim that he was not given notice or a chance to present his views or an explanation. And while Plaintiff seems to imply that Little was impartial and sentenced him in retaliation for filing grievances, Plaintiff offers no details in support of this conclusion.

Thus, there are no facts from which the Court can make the plausible inference that he was denied due process, and Count 2 is dismissed. Count 3 The Court finds that Count 3 is not properly joined in this case. Plaintiff’s assertions that he was not given proper medical care by Physician Assistant Desai and then improperly released from under medical observation at the direction O’Leary on February 19, 2024, are not transactionally related to his only surviving claim in Count 1 – that Cacioppo denied him access to the commissary in retaliation for filing grievances.

FED. R. CIV. P. 20; *George v. Smith*, 507 F. 3d 605, 607 (7th Cir. 2007) (“[u]nrelated claims against different defendants belong in different suits”). The Court will exercise its discretion and dismiss Count 3 against Desai and O’Leary. Plaintiff is free to pursue his claim in a separate action. Plaintiff should be mindful that a two-year statute of limitations applies.

MOTION FOR RECRUITMENT OF COUNSEL Plaintiff has filed a Motion for Recruitment of Counsel (Doc. 3), which is DENIED.² In an attempt to find an attorney on his own, Plaintiff states that he has written to five law firms, but he has only received responses from two. He includes copies of the letters from the two law firms declining representation along with his motion.

Accordingly, the Court finds that he has met his threshold burden of demonstrating reasonable efforts to retain counsel on his own. Nonetheless, the Court also finds that Plaintiff is capable of representing himself, at least for now. Plaintiff indicates that he is in need of representation because he does not understand the law. Plaintiff’s limited legal knowledge is not unique to him as a pro se litigant and does not necessarily warrant recruitment of counsel at this time.

Plaintiff has already prepared a Complaint that survived screening and has demonstrated an ability to construct coherent sentences and relay information to the Court. This straightforward case is currently proceeding on a single claim against one Defendant and given the early stage of litigation, it is difficult to accurately evaluate the need for assistance of counsel.

See *Kadamovas v. Steven*, 706 F.3d 843, 845 (7th Cir. 2013) (“[U]ntil the defendants respond to the complaint, the plaintiff’s need for assistance of counsel... cannot be gauged.”). Should his situation change as the case proceeds, Plaintiff may file another motion setting forth all facts that support his request for relief. DISPOSITION IT IS HEREBY ORDERED that the Complaint survives preliminary review pursuant to 28 U.S.C. § 1915A.

COUNT 1 shall proceed against Cacioppo and is DISMISSED against O’Leary and Little. COUNTS 2 and 3 are DISMISSED without prejudice. Because there are no 2 In evaluating the Motion for Recruitment of Counsel, the Court applies the factors discussed in *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007) and related authority. surviving claims against Crow, Little, Skorch, Desai, and O’Leary, the Clerk of Court is DIRECTED to terminate them as defendants.

The Clerk of Court shall prepare for Cacioppo the following: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is DIRECTED to mail these forms, a copy of the Complaint, and this Memorandum and Order to the Defendant’s place of employment as identified by Plaintiff. If the Defendant fails to sign and return the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on the Defendant, and the Court will require the Defendant to pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

If the Defendant cannot be found at the work address provided by Plaintiff, the employer shall furnish the Clerk with the Defendant’s current work address, or, if not known, his or her last known address. This information shall be used only for sending the forms as directed above or for formally effecting service. Any documentation of the address shall be retained only by the Clerk.

Address information shall not be maintained in the court file or disclosed by the Clerk. The Defendant is ORDERED to file an appropriate responsive pleading to the Complaint in a timely manner and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g). Pursuant to Administrative Order No. 244, The Defendant only needs to respond to the issues stated in this Merit Review Order.

If judgment is rendered against Plaintiff, and the judgment includes the payment of costs under Section 1915, he will be required to pay the full amount of the costs, even though his application to proceed in forma pauperis was granted. See 28 U.S.C. § 1915(f)(2)(A).

Finally, Plaintiff is ADVISED that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than 14 days after a transfer or other change in address occurs. Failure to comply with this order will cause a delay in the transmission of court documents and may result in dismissal of this action for want of prosecution.

See FED. R. CIV. P. 41(b). IT IS SO ORDERED. DATED: January 6, 2026 s/Stephen P. McGlynn
STEPHEN P. MCGLYNN United States District Judge NOTICE TO PLAINTIFF The Court will take the necessary steps to notify the appropriate defendants of your lawsuit and serve them with a copy of your complaint.

After service has been achieved, the defendants will enter their appearance and file an Answer to the complaint. It will likely take at least 60 days from the date of this Order to receive the defendants' Answers, but it is entirely possible that it will take 90 days or more. When all of the defendants have filed Answers, the Court will enter a Scheduling Order containing important information on deadlines, discovery, and procedures.

Plaintiff is advised to wait until counsel has appeared for the defendants before filing any motions, to give the defendants notice and an opportunity to respond to those motions. Motions filed before defendants' counsel has filed an appearance will generally be denied as premature. Plaintiff need not submit any evidence to the Court at this time, unless otherwise directed by the Court.