

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Harley M. Brady v. Illinois Department of Corrections, et al.

Brady · No. 23-cv-295-SMY · Decided June 5, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted Defendants’ motion for summary judgment and denied Harley M. Brady’s cross-motion in a § 1983, ADA, Rehabilitation Act, and Illinois negligence action. The court held that the evidence did not establish deliberate indifference or intentional disability discrimination, that Brady lacked the expert evidence required for his medical-negligence claim, and that his negligence claims were barred by sovereign immunity. The claims were dismissed with prejudice.

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	June 5, 2026
DOCKET	23-cv-295-SMY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Cross-motions for summary judgment in a pro se prisoner civil-rights action involving constitutional, ADA, Rehabilitation Act, medical-negligence, and negligence claims.
STANDARD OF REVIEW	Summary judgment is proper when the moving party demonstrates that no genuine dispute of material fact exists and the party is entitled to judgment as a matter of law. The court evaluated each cross-motion independently and drew reasonable inferences in favor of the nonmoving party on that motion.
PRECEDENTIAL VALUE	nonprecedential district-court memorandum and order

TOPICS

- summary judgment
- prisoners rights
- ada / disability
- medical malpractice
- sovereign immunity

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendants Hubler and Nalewajka were deliberately indifferent to Brady's serious medical needs in connection with the removal and delayed return of his hearing aids and accessibility watches.
2. Whether IDOC and the individual defendants violated the ADA or Rehabilitation Act by denying or failing to accommodate Brady's hearing-related accessibility equipment.
3. Whether Brady's Illinois medical-negligence claim against Nalewajka could proceed without medical-expert evidence establishing the applicable standard of care, breach, and causation.
4. Whether Brady's Illinois negligence claims were barred by Illinois sovereign immunity because the alleged conduct occurred within the defendants' official state-employment functions.

HOLDINGS

1. Summary judgment was proper for Hubler and Nalewajka because the evidence did not permit a reasonable jury to find that either defendant knew of and consciously disregarded a substantial risk to Brady's serious medical needs.
2. Summary judgment was proper for Defendants on Brady's ADA and Rehabilitation Act claim because he presented no evidence of intentional discrimination or deliberate indifference to a federally protected right.
3. Summary judgment was proper for Nalewajka because Brady did not produce medical-expert opinion evidence establishing the elements of his medical-negligence claim.
4. Brady's Illinois negligence claims were barred because the alleged duties arose solely from the defendants' state employment and the alleged conduct occurred within the scope of their official functions.

KEY QUOTATIONS

"Summary judgment is proper only if the moving party can demonstrate that there is no genuine issue as to any material fact." (at 3)

"The standard [for deliberate indifference] is a subjective one: The defendant must know facts from which he could infer that a substantial risk of serious harm exists and he must actually draw the inference." (at 5)

"To recover compensatory damages, Brady must show "intentional conduct (and not merely negligence)," which has been interpreted to mean he must show the defendant "acted with deliberate indifference" to rights conferred by the ADA." (at 7)

"Plaintiff's claims are DISMISSED with prejudice." (at 10)

FACTUAL BACKGROUND

Brady, an Illinois prisoner with bilateral hearing loss and visual impairments, was transferred from Lawrence Correctional Center to Centralia Correctional Center in July 2021. His hearing-aid batteries had died before the

transfer, he returned a tactile pager watch to staff, and his hearing aids and ADA watch were placed in his property box. Upon arrival at Centralia, the hearing aids and ADA watch were removed from the property box and were not returned until after Brady met with ADA Coordinator Lana Nalewajka on August 20, 2021; during the interim, Brady missed meals and yard time because he could not hear announcements. The court found no evidence that the defendants knew of and disregarded a substantial risk to Brady's health or federally protected rights, and found that Brady lacked expert evidence for his medical-negligence claim.

PROCEDURAL HISTORY

Brady filed a pro se action under 42 U.S.C. § 1983 alleging constitutional and ADA violations arising from the deprivation of hearing aids and accessibility watches while he was transferred between Illinois correctional facilities. After merit review and resolution of earlier motions for summary judgment concerning exhaustion, Counts 2, 5, 6, and 7 remained. Defendants moved for summary judgment, and Brady filed a competing motion. The court granted Defendants' motion, denied Brady's motion, dismissed the claims with prejudice, and directed the clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-50 (1986)
- Lawrence v. Kenosha County, 391 F.3d 837, 841 (7th Cir. 2004)
- Franklin v. City of Evanston, 384 F.3d 838, 842-43 (7th Cir. 2004)
- Perez v. Fenoglio, 792 F.3d 768, 776 (7th Cir. 2015)
- Petties v. Carter, 836 F.3d 722, 728 (7th Cir. 2016) (en banc)
- Shockley v. Jones, 823 F.2d 1068, 1072 (7th Cir. 1987)
- Rasho v. Elyea, 856 F.3d 469, 476 (7th Cir. 2017)
- Zaya v. Sood, 836 F.3d 800, 804 (7th Cir. 2016)
- Jaros v. Illinois Department of Corrections, 684 F.3d 667, 671 (7th Cir. 2012)
- Wagoner v. Lemmon, 778 F.3d 586, 592 (7th Cir. 2015)
- Shaw v. Kemper, 52 F.4th 331, 334 (7th Cir. 2022)
- Hildreth v. Butler, 960 F.3d 420, 431 (7th Cir. 2020)
- Lacy v. Cook County, 897 F.3d 847, 862 (7th Cir. 2018)
- Berk v. Choy, 607 U.S. —, 146 S. Ct. 546, 557 (2026)
- Young v. United States, 942 F.3d 349, 351-52 (7th Cir. 2019)
- Sereda v. Northwestern Memorial Hospital, 2026 WL 858754 (N.D. Ill. 2026)
- Sullivan v. Edward Hospital, 209 Ill. 2d 100, 282 Ill. Dec. 348, 806 N.E.2d 645, 653 (2004)
- Wilbourn v. Cavalenes, 398 Ill. App. 3d 837, 338 Ill. Dec. 77, 923 N.E.2d 937, 949 (1st Dist. 2010)

- Bergman v. Kelsey, 375 Ill. App. 3d 612, 313 Ill. Dec. 862, 873 N.E.2d 486, 500 (1st Dist. 2007)
- Knauerhaze v. Nelson, 361 Ill. App. 3d 538, 296 Ill. Dec. 889, 836 N.E.2d 640, 652 (1st Dist. 2005)
- Thompson v. Gordon, 948 N.E.2d 39, 45 (Ill. 2011)
- Iseberg v. Gross, 879 N.E.2d 278 (2007)
- Turpin v. Koropchak, 567 F.3d 880 (7th Cir. 2009)
- T. S. v. County of Cook, Illinois, 67 F.4th 884, 892 (7th Cir. 2023)

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