

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Durell T. Crain v. Christina Reagle, et al.

Crain v. Reagle · No. 3:25-CV-95-PPS-JEM · Decided March 3, 2026

SUMMARY

The United States District Court for the Northern District of Indiana screens a prisoner’s amended complaint under 28 U.S.C. § 1915A. The court dismisses unrelated claims and defendants concerning events at Indiana State Prison, rejects failure-to-protect and inadequate-investigation claims concerning alleged inmate threats, and permits limited First Amendment retaliation claims against certain prison officials. The order also addresses the plaintiff’s repeated emergency motions and requests for injunctive relief.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	March 3, 2026
DOCKET	3:25-CV-95-PPS-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner's amended complaint under 28 U.S.C. § 1915A, following an earlier order allowing one official-capacity injunctive-relief claim to proceed, denial of preliminary injunctive relief, and a stay of the case.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. At the screening stage, the court construed the pro se pleading liberally and gave Crain the benefit of favorable inferences.
PRECEDENTIAL VALUE	Unknown; unreported district court screening order
PARTIES	Durell T. Crain v. Christina Reagle, Ron Neal, Joseph Schneiter, Mr. Smith, Deborah Reasoner, Derek Christian, Jack Hendrix, James Basinger, Tracy Cornett, Captain Rippe, C.O. Clemonds, C.O.

Whitticker, C.O. Gram, Sgt. Burk, Warden Smiley, C.O. Henrich, Lt. Robinson, Lt. Talbott, Nurse Hickman, Jane Doe Mental Health Doctor

TOPICS

section 1983 prisoners rights first amendment civil procedure injunctions

PRACTICE AREAS

Prisoner civil rights Constitutional law Federal civil procedure First Amendment retaliation
Eighth Amendment

QUESTIONS PRESENTED

1. Whether Crain's claims concerning events at the Indiana State Prison were sufficiently related to his Westville Correctional Facility claims to proceed in the same action.
2. Whether the amended complaint plausibly stated an Eighth Amendment failure-to-protect claim based on alleged smoking or burning of toilet paper near Crain's cell.
3. Whether Crain plausibly stated First Amendment retaliation claims against Tracy Cornett and Captain Rippe based on moving an allegedly threatening inmate into his block after Crain complained to prison officials.
4. Whether Crain plausibly stated a First Amendment retaliation claim against Nurse Hickman based on restricting access to his inhaler after he reported her to internal affairs.
5. Whether Crain had a constitutional right to an investigation or prosecution of the alleged plot against him.
6. Whether allegations that Lt. Robinson lied about cell availability and that a mental-health worker approved Crain's return to his cell stated constitutional claims.
7. Whether Crain's requests for preliminary and permanent injunctive relief were moot after his transfer to another facility.

HOLDINGS

1. Claims concerning events at the Indiana State Prison were unrelated to the claims concerning events at the Westville Correctional Facility and were dismissed without prejudice under Federal Rule of Civil Procedure 21.
2. Crain failed to state an Eighth Amendment failure-to-protect claim because allegations that inmates smoked or burned toilet paper near his cell did not plausibly establish a specific, credible, and imminent risk of serious harm or a known assailant.
3. Crain plausibly stated First Amendment retaliation claims against U.T.M. Tracy Cornett and Captain Rippe based on allegations that they moved an inmate Crain considered dangerous into his block in response to his complaints to the IDOC Tips line and about officers.

4. Crain plausibly stated a First Amendment retaliation claim against Nurse Hickman based on allegations that she restricted his access to his inhaler after he reported her to internal affairs.
5. Crain could not proceed against Cornett or Rippe based on their alleged failure to investigate or prosecute the alleged plot against him.
6. Crain's claims for permanent and preliminary injunctive relief against officials at the Westville facility became moot after his transfer to Newcastle Correctional Facility, absent a showing that he was likely to be retransferred.
7. Allegations that Lt. Robinson lied about cell availability and that the Jane Doe mental-health doctor approved Crain's return to his cell did not plausibly state constitutional claims.

KEY QUOTATIONS

“Prison officials must “take reasonable measures to guarantee the safety of inmates.”” (Opinion & Order, Failure to Protect)

“But “poor judgment” isn’t enough. There must be a conscious disregard of a known risk.” (Opinion & Order, Failure to Protect)

“To state a First Amendment retaliation claim, an inmate must allege: “(1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would 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.”” (Opinion & Order, Retaliation)

“If a prisoner is transferred to another prison, his request for injunctive relief against officials of the first prison is moot unless he can demonstrate that he is likely to be retransferred.” (Opinion & Order, Injunctive Relief)

FACTUAL BACKGROUND

Crain, an incarcerated pro se plaintiff, alleged that prison officials at the Westville Correctional Facility retaliated against him for reporting officers and using the Indiana Department of Correction Tips line. He alleged that officials moved an inmate he considered dangerous into his housing block and that Nurse Hickman restricted access to his inhaler after he reported her to internal affairs. He also alleged that officials failed to protect him from inmates who smoked or burned toilet paper near his cell, inadequately investigated an alleged plot to harm him, and mishandled his requests for housing and medical protection.

PROCEDURAL HISTORY

The court previously permitted Crain to pursue permanent injunctive relief against Warden Smiley in his official capacity and denied preliminary injunctive relief. After Crain repeatedly filed emergency motions despite warnings, the court ordered him to show cause why the case should not be dismissed as a sanction, but deferred ruling on that issue. In this order, the court lifted the stay, screened the amended complaint, dismissed unrelated and otherwise deficient claims, allowed First Amendment retaliation claims against Tracy Cornett, Captain Rippe, and Nurse Hickman to proceed, denied pending preliminary-injunction motions, and directed service on the surviving defendants.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Cooney v. Rossiter, 583 F.3d 967, 971 (7th Cir. 2009)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Owens v. Evans, 878 F.3d 559, 566 (7th Cir. 2017)
- DeTomaso v. McGinnis, 970 F.2d 211, 212 (7th Cir. 1992)
- Healy v. Wisconsin, 65 Fed. Appx. 567, 568 (7th Cir. 2003)
- Board v. Farnham, 394 F.3d 469, 478 (7th Cir. 2005)
- Farmer v. Brennan, 511 U.S. 825, 832 (1994)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Hale v. Gross, 86 F.3d 630, 640 (7th Cir. 1996)
- Lewis v. Richards, 107 F.3d 549, 554 (7th Cir. 1997)
- Gevas v. McLaughlin, 798 F.3d 475, 481 (7th Cir. 2015)
- Doe v. Welborn, 110 F.3d 520, 523-24 (7th Cir. 1997)
- Whitfield v. Spiller, 76 F.4th 698, 707-08 (7th Cir. 2023)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- United States v. Palumbo Bros., Inc., 145 F.3d 850, 865 (7th Cir. 1998)
- Higgason v. Farley, 83 F.3d 807, 811 (7th Cir. 1996)