

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

**Dustin M. Pearson v. Dorean Mrs. (Cook Head), Christine Mrs.
(Cook Assistant), John Doe Madison County Jail Maintenance, John
Doe Madison County Jail Maintenance, Jane Doe Madison County
Jail Maintenance, Bradford Corrections Officer, and Sumpter Jail
Commander**

Pearson · No. 1:26-cv-00362-JPH-CSW · Decided June 17, 2026

SUMMARY

The United States District Court for the Southern District of Indiana screened Dustin M. Pearson’s 42 U.S.C. § 1983 complaint concerning alleged exposure to sewage while incarcerated at Madison County Jail. The court dismissed the complaint for failure to state a claim, including because the allegations did not establish sufficient personal involvement by the named defendants and did not support claims against John and Jane Doe defendants. The court permitted Pearson to file an amended complaint by July 6, 2026.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS
DIVISION DUSTIN M. PEARSON,)) Plaintiff,)) v.) No. 1:26-cv-00362-JPH-CSW)
DOREAN Mrs. (Cook Head),) CHRISTINE Mrs (Cook Assistant),) JOHN DOE Madison
County Jail) Maintenance,) JOHN DOE Madison County Jail) Maintenance,) JANE DOE
Madison County Jail) Manitenance,) BRADFORD Corrections Officer,) SUMPTER Jail
Commander,)) Defendants.) ORDER DISMISSING COMPLAINT AND DIRECTING FILING
OF AMENDED COMPLAINT Plaintiff Dustin M. Pearson filed this civil action against Madison
County Jail (the "Jail") staff pursuant to 42 U.S.C. § 1983.

Because Mr. Pearson was a "prisoner" upon filing, this Court must screen the complaint before service on the defendants. 28 U.S.C. § 1915A(a), (c). I. Screening Standard When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915A(b). To determine whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). See *Schillinger v. Kiley*, 954 F.3d 990, 993 (7th Cir. 2020).

Under that standard, a complaint must include "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged."

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The Court construes pro se complaints liberally and holds them to a "less stringent standard than pleadings drafted by lawyers." *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). II.

The Complaint The Court accepts Mr. Pearson's factual allegations as true at the pleading stage but not his legal conclusions. See *Iqbal*, 556 U.S. at 678 ("we must take all of the factual allegations in the complaint as true," but "we 'are not bound to accept as true a legal conclusion couched as a factual allegation'") (quoting *Twombly*, 550 U.S. at 555)).

The complaint alleges that, from June 29 to September 13, 2024, Mr. Pearson was incarcerated at Madison County Jail. From July 2 to September 13, Mr. Pearson worked in the jail kitchen. In approximately late August 2024, the jail sewage pipes became clogged on three occasions. Mrs. Dorean and Mrs. Christine ordered kitchen staff, including Mr. Pearson, to assist maintenance staff with resolving the clogs.

In resolving the first clog, located in a supply closet off of the laundry room, kitchen staff became soaked in sewage water for approximately eight hours. For the second clog, the staff was again exposed to and covered in the unclean water. This clog was located in the kitchen and dripped on kitchen workers, who were unaware that the drips were sewage water.

Kitchen staff were ordered to use laundry equipment, which held fifty to seventy-five gallons of liquid, to transfer the liquid towards the river fifty yards away. Consequently, sewage and trash were dumped in the river. This strategy saved the Jail money compared to alternatives. Commander Sumpter, Officer Bradford, and three maintenance staffers were involved.

III. Dismissal of Complaint Applying the screening standard to the facts alleged in the complaint, the complaint and its claims of Fourteenth Amendment conditions-of-confinement violations must be dismissed for failure to state a claim upon which relief may be granted.

First, all claims against the "John Doe" defendants are dismissed for failure to state a claim upon which relief may be granted. "[I]t is pointless to include [an] anonymous defendant[] in federal court; this type of placeholder does not open the door to relation back under Fed.R.Civ.P. 15, nor can it otherwise help the plaintiff." *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir.

1997) (internal citations omitted). Next, all claims against Commander Sumpter and Officer Bradford are dismissed for failure to state a claim upon which relief may be granted. Although Mr. Pearson alleges that they were involved in the second clog cleanup, he does not allege that they

directed the cleanup, that they ordered Mr. Pearson to participate, or any other specific acts by either defendant.

"Individual liability under § 1983... requires personal involvement in the alleged constitutional deprivation." *Colbert v. City of Chi.*, 851 F.3d 649, 657 (7th Cir. 2017) (internal quotation omitted). Generalities—such as alleging these defendants were involved in underlying allegations, without specifics—are insufficient to support plausible claims. *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 557 (2007) ("naked assertion[s]" devoid of "further factual enhancement" are insufficient to state a plausible claim for relief). To state a plausible claim, Mr. Pearson must allege not only that defendants were involved in allegedly unconstitutional conduct, but how they were involved.

Finally, all claims against Mrs. Dorean and Mrs. Christine are dismissed for failure to state a claim upon which relief may be granted. Unlike with Commander Sumpter and Officer Bradford, Mr. Pearson does specifically allege that these defendants ordered kitchen staff to assist maintenance staff with the first clog, which culminated in staff being drenched in sewage water for hours.

Yet again, Mr. Pearson's allegations lack the requisite specificity for claims to proceed against Mrs. Dorean and Mrs. Christine. Mr. Pearson's allegations do not indicate that either party was present for the cleaning in the laundry area or while the kitchen staff was exposed to wastewater, that they were aware of the cleaning strategy to be employed by maintenance staff with the kitchen staff's help, or that they were aware of the dripping wastewater.

They also are not alleged to have supervisory authority over maintenance staff, and Mr. Pearson's allegation that they ordered kitchen staff to assist maintenance staff in another area of the Jail, without more, does not indicate Mrs. Dorean's or Mrs. Christine's personal involvement in his sewage water exposure. See *Colbert*, 851 F.3d at 657.

Because the Court has been unable to identify a viable claim for relief against any particular defendant, the complaint is subject to dismissal. IV. Opportunity to File an Amended Complaint
The dismissal of the complaint will not in this instance lead to the dismissal of the action at present. "The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile."

Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018). In the interest of justice, the Court will allow the plaintiff to amend his complaint if, after reviewing this Court's order, he believes that he can state a viable claim for relief, consistent with the allegations he has already made. See *Tate v. SCR Med. Transp.*, 809 F.3d 343, 346 (7th Cir. 2015) ("We've often said that before dismissing a case under 28 U.S.C. § 1915(e)(2)(B)(ii) a judge should give the litigant, especially a pro se litigant, an opportunity to amend his complaint."); *Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir.

2013). The plaintiff shall have through July 6, 2026, to file an amended complaint. The amended complaint must (a) contain a short and plain statement of the claim showing that the plaintiff is entitled to relief, which is sufficient to provide the defendant with fair notice of the claim and its basis; (b) include a demand for the relief sought; and (c) identify what injury he claims to have suffered and what persons are responsible for each such injury.

The clerk is directed to include a copy of the prisoner civil rights complaint form along with the plaintiffs copy of this Order, which he must use if he files an amended complaint. See \$.D. Ind L.R. 8-1 (requiring pro se plaintiffs to use the clerk- provided form for claims under 42 U.S.C. § 1983). Any amended complaint should have the proper case number, No. 1:26- cv-00362-JPH-CSW, and the words "Amended Complaint" on the first page.

The amended complaint will completely replace the original. See *Beal v. Beller*, 847 F.3d 897, 901 (7th Cir. 2017) ("For pleading purposes, once an amended complaint is filed, the original complaint drops out of the picture.").

Therefore, it must set out every defendant, claim, and factual allegation the plaintiff wishes to pursue in this action. If the plaintiff files an amended complaint, it will be screened pursuant to 28 U.S.C. § 1915A(b). If no amended complaint is filed, this action will be dismissed without further notice or opportunity to show cause. SO ORDERED. Date: 6/17/2026 Sema Pat nuck Hanlon James Patrick Hanlon United States District Judge Southern District of Indiana Distribution: DUSTIN M. PEARSON 1912 N B Street Elwood, IN 46036