

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, URBANA DIVISION

Sandra Lopez v. George Duncan et al.

Lopez · No. 2:26-cv-02143 · Decided June 23, 2026

SUMMARY

The United States District Court for the Central District of Illinois screened Sandra Lopez’s prisoner complaint under 28 U.S.C. § 1915A. The court allowed an Eighth Amendment deliberate-indifference claim to proceed against Dr. George Duncan in his individual capacity, dismissed the claims against the other defendants, denied Lopez’s motion for appointed counsel, and directed service of the complaint.

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS URBANA DIVISION SANDRA LOPEZ,) Plaintiff,)) v.) Case No. 26-2143) GEORGE DUNCAN et al.,) Defendants.) ORDER COLLEEN R. LAWLESS, United States District Judge: Before the Court is a Complaint (Doc. 1) filed by Plaintiff Sandra Lopez, an inmate at Decatur Correctional Center. Plaintiff has also filed a Motion for Counsel (Doc.

5). I. Complaint A. Screening Standard Plaintiff’s Complaint is before the Court for merit review under 28 U.S.C. § 1915A, which requires the Court to “screen” the pleading and identify and dismiss any legally insufficient claim or the entire action if warranted. A claim is defective if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A.

The Court accepts Plaintiff’s factual allegations as true and construes them liberally in his favor. *Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). However, conclusory statements and labels are insufficient. Enough facts must be provided to “state a claim for relief that is plausible on its face.” *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir.

2013) (citation omitted). B. Factual Allegations Plaintiff names Dr. George Duncan, the Illinois Department of Corrections (“IDOC”), Centurian Correctional Healthcare (Centurian), and Wexford Health Sources, Incorporated (“Wexford”) as Defendants. Plaintiff asserts that she initially saw Defendant Duncan in January 2024 for pain she was experiencing in her hands and was told that she had arthritis.

Based on that diagnosis, Duncan issued Plaintiff a restriction order her physical activity. Plaintiff explains that in May and July 2024, Duncan continued to issue restriction orders for her continued

hand pain. Plaintiff states she later filed grievances in an attempt to receive medical care for her persistent hand pain. (Pl. Compl., Doc. 1 at 5.)

In July 2025, Plaintiff was referred to a specialist. Plaintiff notes that a magnetic resonance imaging scan of her neck revealed deterioration of two spinal disks and associated nerve compression damage. In February 2026, Plaintiff underwent surgery on her neck, which removed two spinal disks. Plaintiff surmises that “if I had proper medical care when I first saw [Defendant] Duncan back in 2024[,], the damage might not have been so severe.” (Id. at 6.)

C. Analysis “Prison officials violate the Eighth Amendment’s proscription against cruel and unusual punishment when their conduct demonstrates ‘deliberate indifference to serious medical needs of prisoners.’” *Gutierrez v. Peters*, 111 F.3d 1364, 1369 (7th Cir. 1997) (quoting *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)).

To succeed on a claim of deliberate indifference to a serious medical need, a plaintiff must satisfy a test that contains both an objective and subjective component. *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996).

Under the objective component, a plaintiff must demonstrate that his medical condition is sufficiently serious. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Under the subjective component, the prison official must have acted with a “sufficiently culpable state of mind.” *Id.* In the medical care context, a “deliberate indifference” standard is used. *Estelle*, 429 U.S. at 104.

A plaintiff may establish deliberate indifference by showing that a defendant “knew of a substantial risk of harm to the inmate and disregarded the risk.” *Greeno v. Daley*, 414 F.3d 645, 653 (7th Cir. 2005). A defendant “must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Farmer*, 511 U.S. at 837.

Treatment decisions made by medical professionals are presumptively valid. *Collignon v. Milwaukee County*, 163 F.3d 982, 989 (7th Cir. 1998). “A medical professional is entitled to deference in treatment decisions unless ‘no minimally competent professional would have so responded under those circumstances.’” *Sain v. Wood*, 512 F.3d 886, 894–95 (7th Cir. 2008) (quoting *Collignon v. Milwaukee County*, 163 F.3d 982, 989 (7th Cir.

1998)). Thus, to be deliberately indifferent, a medical professional’s decision must be “such a substantial departure from accepted professional judgment, practice, or standards, as to demonstrate that the person responsible actually did not base the decision on such a judgment.” *Collignon v. Milwaukee County*, 163 F.3d 982, 989 (7th Cir. 1998) (quoting *Youngberg v. Romeo*, 457 U.S. 307, 323 (1982)).

Plaintiff's account is sufficient to state an Eighth Amendment deliberate indifference claim against Defendant Duncan. However, Plaintiff does not state plausible claims against the remaining Defendants. Defendants Centurian and Wexford can be held liable under § 1983 if an unconstitutional act is caused by: "(1) an official policy adopted and promulgated by its officers; (2) a governmental practice or custom that, although not officially authorized, is widespread and well settled; or (3) an official with final policy-making authority." *Thomas v. Cook Cty.*

Sheriff's Dept., 604 F.3d 293, 303 (7th Cir. 2010); see also *Woodward v. Corr. Med. Servs. of Ill., Inc.*, 368 F.3d 917, 927-28 (7th Cir. 2004) (stating that the standard for municipal liability in *Monell v. N.Y. City Dep't of Soc. Servs.*, 436 U.S. 658 (1978), applies to corporations as well). "The 'official policy' requirement was intended to distinguish acts of the municipality from acts of employees of the municipality, and thereby make clear that municipal liability is limited to action for which the municipality is actually responsible." *Pembaur v. City of Cincinnati*, 475 U.S. 469, 479 (1986) (emphases in original).

Plaintiff does not allege facts that establish or permit the Court to infer an official policy or custom under any of the three conditions mentioned above. Thus, Plaintiff fails to state a *Monell* claim against Centurian and Wexford. Plaintiff also does not state a plausible claim against IDOC. A building, such as a jail or correctional facility, cannot be sued under § 1983.

Smith v. Knox Cty. Jail, 666 F.3d 1037, 1040 (7th Cir. 2012); see also *White v. Knight*, 710 F. App'x 260, 262 (7th Cir. 2018) ("[T]he fact that a building is owned by a corporate entity or a government agency does not make the building a suable person under § 1983."). II. Counsel Plaintiff has no constitutional right to counsel, and the Court cannot require an attorney to accept pro bono appointments in civil cases.

The most the Court can do is ask for volunteer counsel. See *Jackson v. County of McLean*, 953 F.2d 1070, 1071 (7th Cir. 1992) (holding that although indigent civil litigants have no constitutional right to counsel, a district court may, in its discretion, request counsel to represent indigent civil litigants in certain circumstances).

In considering Plaintiff's motion for counsel, the Court must ask two questions: "(1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007).

Plaintiff's Motion for Counsel (Doc. 5) is denied because she has not satisfied her threshold burden of demonstrating that she attempted to hire counsel, which typically requires writing to several lawyers and attaching the responses received. IT IS THEREFORE ORDERED: 1) Plaintiff's Motion for Counsel (Doc. 5) is DENIED. 2) According to the Court's screening of

Plaintiff's Complaint [1] under 28 U.S.C. § 1915A, Plaintiff states an Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Duncan.

Plaintiff's claim proceeds in Duncan's individual capacity only. Additional claims shall not be included in the case, except at the Court's discretion on motion by a party for good cause shown or under Federal Rule of Civil Procedure 15. 3) This case is now in the process of service.

The Court advises Plaintiff to wait until counsel has appeared for Defendant before filing any motions to give Defendant notice and an opportunity to respond to those motions. Motions filed before Defendant's 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.

4) The Court will attempt service on Defendant by mailing a waiver of service. Defendant has sixty days from service to file an Answer. If Defendant has not filed an Answer within ninety days of the entry of this Order, Plaintiff may file a motion requesting the status of service.

After Defendant's counsel has filed a responsive pleading, the Court will enter an order setting discovery and dispositive motion deadlines. 5) If Defendant Duncan no longer works at the address provided by Plaintiff, the entity for which Defendant worked while at that address shall submit to the Clerk said Defendant's current work address, or, if not known, said Defendant's forwarding address.

This information shall be used only for effectuating service. Documentation of forwarding addresses shall be retained only by the Clerk and shall not be maintained in the public docket nor disclosed by the Clerk. 6) Defendant shall file an Answer within sixty days. A motion to dismiss is not an answer.

The Answer should include all defenses appropriate under the Federal Rules. The Answer and subsequent pleadings shall address the issues and claims stated in this Order. In general, an answer sets forth Defendant's positions.

The Court does not rule on the merits of those positions unless and until Defendant files a motion. Therefore, no response to the Answer is necessary or will be considered. 7) This District uses electronic filing, which means that after Defendant's counsel has filed an appearance, Defendants' counsel will automatically receive electronic notice of any motion or other paper filed by Plaintiff with the Clerk.

Therefore, Plaintiff does not need to mail copies of motions and other documents that Plaintiff has filed with the Clerk to Defendants' counsel. However, this does not apply to discovery requests and responses. Discovery requests and responses are not filed with the Clerk. Instead, Plaintiff must mail his discovery requests and responses directly to Defendant's counsel.

Discovery requests or responses sent to the Clerk will be returned unfiled unless they are attached to and the subject of a motion to compel. Discovery does not begin until Defendant's counsel files an appearance and the Court enters a scheduling order, which will explain the discovery process in more detail. 8) Defendant's counsel is granted leave to depose Plaintiff at her place of confinement.

Defendant's counsel shall arrange the time for the deposition. 9) Plaintiff shall immediately notify the Court, in writing, of any change in her mailing address and telephone number. Plaintiff's failure to inform the Court of a change in mailing address or phone number will result in the dismissal of this lawsuit with prejudice. 10) If Defendant fails to sign and return a waiver of service to the Clerk within thirty days after the waiver is sent, the Court will take appropriate steps to effect formal service through the U.S. Marshals Service on Defendant and will require that Defendant to pay the total costs of formal service under Federal Rule of Civil Procedure 4(d)(2).

11) The Court directs the Clerk to enter the standard qualified protective order under the Health Insurance Portability and Accountability Act. 12) The Court directs the Clerk to attempt service on Defendant under the standard procedures. ENTERED June 23, 2026. s/ Colleen R. Lawless

COLLEEN R. LAWLESS UNITED STATES
DISTRICT JUDGE