

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ILLINOIS

Thomas M. Smith v. P.A. Gerst and Warden Crow

Smith v. Gerst · No. 26-cv-00249-SPM · Decided April 21, 2026

SUMMARY

The United States District Court for the Southern District of Illinois conducted preliminary review under 28 U.S.C. § 1915A of Thomas M. Smith’s First Amended Complaint alleging deliberate indifference to a serious thumb injury. The court allowed the Eighth Amendment claim to proceed against Physician Assistant Gerst, dismissed the claim against Warden Crow without prejudice except for Crow’s official-capacity role concerning possible injunctive relief, denied a temporary restraining order, and kept the preliminary-injunction request pending.

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               | April 21, 2026                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 26-cv-00249-SPM                                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Screening of a prisoner's First Amended Complaint under 28 U.S.C. § 1915A, together with consideration of a motion for a temporary restraining order and preliminary injunction.                                                                                                                                                       |
| STANDARD OF REVIEW    | Preliminary screening under 28 U.S.C. § 1915A; the court dismissed claims that were frivolous, malicious, failed to state a claim, or sought damages from an immune defendant. For the TRO request, the court applied Federal Rule of Civil Procedure 65(b)(1)(A) and the Prison Litigation Reform Act's limits on prospective relief. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum and order; nonprecedential                                                                                                                                                                                                                                                                       |
| PARTIES               | Thomas M. Smith v. P.A. Gerst, Warden Crow                                                                                                                                                                                                                                                                                             |

TOPICS

- section 1983
- prisoners rights
- injunctions
- civil procedure
- health law

## PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

injunctive relief

health law

## QUESTIONS PRESENTED

1. Whether the First Amended Complaint stated an Eighth Amendment deliberate-indifference claim against Physician Assistant Gerst.
2. Whether the First Amended Complaint stated a deliberate-indifference claim against Warden Crow when Crow was named in the caption but not alleged to have participated in the events.
3. Whether plaintiff was entitled to a temporary restraining order directing specialist treatment and stronger pain medication without first allowing defendants to respond.
4. Whether the request for a preliminary injunction should remain pending until defendants were served and could respond.

## HOLDINGS

1. The complaint sufficiently stated a deliberate-indifference claim against Gerst because it alleged that Gerst repeatedly saw plaintiff but failed to provide meaningful treatment for the thumb injury and pain despite continuing symptoms.
2. The complaint did not state a claim against Warden Crow because it contained no allegations against her beyond naming her in the caption.
3. The request for a temporary restraining order was denied because plaintiff had not sufficiently shown that immediate or irreparable injury would occur before defendants could be heard.
4. The request for a preliminary injunction would remain pending until defendants were served and had an opportunity to respond.

## KEY QUOTATIONS

*“To state a claim for deliberate indifference, an inmate must put forward facts implicating both an “objective and subjective element, namely that: (1) an objectively serious medical need was deprived; and (2) the official knew that the risk of injury was substantial but nevertheless failed to take reasonable measures to prevent it.””*

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

*“The request for a TRO is DENIED. Plaintiff’s request for a preliminary injunction, however, will remain pending until Defendants have been served.”*

## FACTUAL BACKGROUND

Plaintiff, an incarcerated person, injured his thumb on January 14, 2026, causing swelling, discoloration, numbness, pain, and limited motion. He alleged repeated delays and inadequate responses from correctional and medical staff, including Gerst's failure to provide meaningful treatment, splint the thumb, or order further testing despite continuing symptoms and an apparent deformity. Plaintiff remained symptomatic when he filed the First

Amended Complaint and sought emergency injunctive relief directing specialist evaluation and stronger pain medication.

## PROCEDURAL HISTORY

Plaintiff filed a § 1983 action alleging deliberate indifference to a thumb injury and associated pain. The First Amended Complaint was reviewed before service under § 1915A. The court allowed the deliberate-indifference claim to proceed against Gerst, dismissed it without prejudice as to Warden Crow, denied the request for a temporary restraining order, and left the preliminary-injunction request pending until service and a response by defendants.

## DISPOSITION

other

## CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Chapman v. Keltner, 241 F.3d 842, 845
- Henderson v. Sheahan, 196 F.3d 839, 845
- Edwards v. Snyder, 478 F.3d 827, 831
- Arnett v. Webster, 658 F.3d 742, 754
- Collins v. Kibort, 143 F.3d 331, 334
- Farmer v. Brennan, 511 U.S. 825, 845 (1994)
- Sandin v. Conner, 515 U.S. 472, 482 (1995)
- Rizzo v. Goode, 423 U.S. 362, 379 (1976)