

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Desmond Hicks v. James Borgen, et al.

Hicks · No. 22-CV-533 · Decided January 20, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants summary judgment to the medical defendants in Desmond Hicks’s Fourteenth Amendment claims concerning post-surgical pain treatment while he was a pretrial detainee. The First Amendment retaliation claims against several security officers remain pending, and the court directs the clerk to schedule a telephonic status conference.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 20, 2026
DOCKET	22-CV-533
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought Fourteenth Amendment medical-care claims against medical defendants and a First Amendment retaliation claim against security officers. The medical defendants moved for summary judgment, and the court granted their motions, dismissing those defendants. The retaliation claim against the security officers remained pending.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court views reasonable inferences in the light most favorable to the nonmovant, but a party with the ultimate burden of proof must identify admissible evidence supporting a reasonable jury verdict.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Desmond Hicks v. James Borgen, Tyler Broderick, Kelly Schoebel, Lance Penn, Casey Gigstead, Dr. Karen Ronquillo Horton, Marie Brenner, Michelle Robbins

TOPICS

summary judgment

fourteenth amendment

due process

section 1983

civil rights

PRACTICE AREAS

civil rights

constitutional law

prisoner and detainee medical care

civil procedure

QUESTIONS PRESENTED

1. Whether the medical defendants violated a pretrial detainee's Fourteenth Amendment rights by treating his postsurgical pain in an objectively unreasonable manner.
2. Whether summary judgment was warranted against Robbins and Brenner because Hicks failed to present specific evidence showing that either nurse treated his pain objectively unreasonably.
3. Whether summary judgment was warranted for Dr. Horton where she initially declined to prescribe codeine but provided other pain treatments, later prescribed codeine and gabapentin, and arranged additional medical care.

HOLDINGS

1. A pretrial detainee's Fourteenth Amendment medical-care claim is governed by an objective-unreasonableness standard, requiring proof of an objectively serious medical condition and an objectively unreasonable response.
2. Summary judgment was appropriate for Robbins and Brenner because Hicks offered only vague allegations and no evidence from which a reasonable factfinder could conclude that either nurse treated his postsurgical pain with objective unreasonableness.
3. Summary judgment was appropriate for Dr. Horton because no reasonable factfinder could conclude that her treatment of Hicks's postsurgical pain was objectively unreasonable.

KEY QUOTATIONS

"To demonstrate a claim under the Fourteenth Amendment's due process clause, a plaintiff must allege that (1) "he suffered from an objectively serious medical condition" and (2) "the staff's response to it was objectively unreasonable." (at 12)

"In short, no reasonable factfinder could conclude that trying less risky medications and other methods of pain relief for three weeks after Hicks's surgery was objectively unreasonable." (at 13)

"IT IS THEREFORE ORDERED that Dr. Horton's motion for summary judgment (ECF No. 54) is GRANTED. Dr. Horton is DISMISSED." (at 14)

FACTUAL BACKGROUND

Hicks was a pretrial detainee at the Fond du Lac County Jail when he underwent revision reconstruction surgery on his left quadriceps tendon on May 21, 2019. After returning to the jail, Dr. Horton prescribed and adjusted multiple pain medications, ordered ice, positioning aids, wound care, and other treatment, and twice sent Hicks to an emergency department; she later prescribed Tylenol with codeine and gabapentin. Hicks alleged that

Horton, Brenner, and Robbins inadequately treated his postsurgical pain, but his evidence concerning the nurses was vague and he disputed aspects of Horton's treatment and accounts of his activity. The court concluded that no reasonable factfinder could find objectively unreasonable treatment by any of the medical defendants.

PROCEDURAL HISTORY

The case was initially screened by Judge J.P. Stadtmueller and was later reassigned to the deciding court after the parties consented to magistrate-judge jurisdiction. Dr. Horton's initial summary judgment motion was denied without prejudice because it applied the Eighth Amendment deliberate-indifference standard rather than the Fourteenth Amendment objective-unreasonableness standard applicable to a pretrial detainee. After renewed motions were filed by Dr. Horton, Brenner, and Robbins, the court granted summary judgment to all three medical defendants.

DISPOSITION

other

CASES CITED

- Miranda v. County of Lake, 900 F.3d 335, 350-51 (7th Cir. 2018)
- Werner v. Hamblin, Case No. 12-C-0096, 2013 WL 788076, at *2 (E.D. Wis. Mar. 1, 2013)
- Gray v. Hardy, 826 F.3d 1000, 1005 (7th Cir. 2016)
- Beal v. Beller, 847 F.3d 897, 901 (7th Cir. 2017)
- Owens v. Hinsley, 635 F.3d 950, 954-55 (7th Cir. 2011)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Gunville v. Walker, 583 F.3d 979, 985 (7th Cir. 2009)
- Durkin v. Equifax Check Services, Inc., 406 F.3d 410, 414 (7th Cir. 2005)
- Turner v. J.V.D.B. & Associates, Inc., 330 F.3d 991, 994 (7th Cir. 2003)
- Williams v. Ortiz, 937 F.3d 936, 942-43 (7th Cir. 2019)
- McCann v. Ogle County, Illinois, 909 F.3d 881, 866 (7th Cir. 2018)
- Beardsall v. CVS Pharmacy, Inc., 953 F.3d 969, 973 (7th Cir. 2020)
- Reed v. Brex, Inc., 8 F.4th 569, 578 (7th Cir. 2021)
- Riely v. City of Kokomo, 909 F.3d 182, 190 (7th Cir. 2018)
- Myrick v. Gohde, Case No. 17-cv-603, 2020 WL 5074411, at *22 (W.D. Wis. Aug. 27, 2020)
- Burks v. Raemisch, 555 F.3d 592, 596 (7th Cir. 2009)

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