

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Scott E. McIntire v. Nancy B. Marthakis

McIntire · No. 3:25-CV-509-PPS-JEM · Decided February 17, 2026

SUMMARY

The court screened Scott E. McIntire’s amended prisoner complaint under 28 U.S.C. § 1915A and allowed him to proceed against Dr. Nancy B. Marthakis in her individual capacity for alleged deliberate indifference to serious medical needs related to his deteriorating right hip. The court dismissed all other claims and directed the plaintiff to serve the defendant because he was not proceeding in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	February 17, 2026
DOCKET	3:25-CV-509-PPS-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner's amended complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must review a prisoner's complaint and dismiss it if it 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 accepts well-pleaded allegations and gives the pro se plaintiff the benefit of favorable inferences.
PRECEDENTIAL VALUE	Unknown
PARTIES	Scott E. McIntire v. Nancy B. Marthakis

TOPICS

prisoners rights

cruel and unusual punishment

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

medical care

QUESTIONS PRESENTED

1. Whether McIntire alleged an objectively serious medical need under the Eighth Amendment.
2. Whether McIntire plausibly alleged that Dr. Marthakis acted with deliberate indifference to that medical need.
3. Whether the amended complaint stated a claim warranting leave to proceed under 28 U.S.C. § 1915A.

HOLDINGS

1. McIntire plausibly alleged an objectively serious medical need based on his severely deteriorating right hip and the medical recommendations for hip-replacement surgery.
2. McIntire stated an Eighth Amendment deliberate-indifference claim against Dr. Marthakis based on the alleged prolonged failure to secure treatment for his deteriorating hip.
3. The complaint stated a claim because it alleged more than negligence, a demand for specific care, or a disagreement over the best possible treatment.

KEY QUOTATIONS

“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”

“For a medical professional to be held liable for deliberate indifference to an inmate’s medical needs, he or she must make a decision that represents “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.””

FACTUAL BACKGROUND

McIntire alleged that his right hip had long required replacement surgery, that his orthopedic boots wore out, and that Dr. Marthakis declined to approve replacement boots after taking over his chronic care. After McIntire fell in August 2021, multiple medical providers recommended hip-replacement surgery, but approval was denied or delayed until October 2024. By then, the discrepancy between the lengths of his legs had increased from one inch to four inches, and the surgeon concluded that the lost length could not be restored because the surgery had been delayed too long.

PROCEDURAL HISTORY

Scott E. McIntire, a prisoner proceeding pro se, filed an amended complaint against Dr. Nancy B. Marthakis alleging deliberate indifference to his serious medical needs. On screening, the court granted him leave to proceed against Marthakis in her individual capacity for compensatory and punitive damages based on the

alleged delay in treatment of his deteriorating right hip, dismissed all other claims, and directed service and a response to the surviving claim.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Greeno v. Daley, 414 F.3d 645, 653 (7th Cir. 2005)
- Board v. Farnham, 394 F.3d 469, 478 (7th Cir. 2005)
- Jackson v. Kotter, 541 F.3d 688, 697 (7th Cir. 2008)
- Walker v. Wexford Health Sources, Inc., 940 F.3d 954, 965 (7th Cir. 2019)
- Forbes v. Edgar, 112 F.3d 262, 267 (7th Cir. 1997)