

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Juan Torres v. Sherman Day, et al.

Torres · No. 3:24-CV-896-PPS-JEM · Decided December 8, 2025

SUMMARY

The United States District Court for the Northern District of Indiana screens Juan Torres's amended prisoner complaint concerning a restitution sanction imposed after a prison disciplinary hearing. The court allows Torres to proceed against disciplinary hearing officer Sherman Day on a Fourteenth Amendment due process claim related to the June 2, 2022 restitution sanction, while dismissing claims against M. McGee and J. Morgan and denying preliminary injunctive relief. The order directs service on Day and dismisses all other claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	December 8, 2025
DOCKET	3:24-CV-896-PPS-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a prisoner’s amended civil-rights complaint under 28 U.S.C. § 1915A, together with consideration of the plaintiff’s motion for a preliminary injunction.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens the complaint and dismisses claims that fail to state a plausible claim. Pro se allegations are liberally construed. For preliminary-injunction relief, the movant must make a threshold showing of irreparable harm, no adequate remedy at law, and a reasonable likelihood of success on the merits; if those requirements are met, the court balances the harms and considers the public interest.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juan Torres v. Sherman Day, M. McGee, J. Morgan

TOPICS

procedural due process

prisoners rights

civil rights

injunctions

pleadings

PRACTICE AREAS

constitutional law

civil rights

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civil procedure

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QUESTIONS PRESENTED

1. Whether Torres plausibly stated a Fourteenth Amendment due-process claim based on the imposition of a restitution sanction without an outside court order.
2. Whether the complaint stated claims against the investigating officer and the official allegedly responsible for later deductions from Torres's trust account.
3. Whether Torres was entitled to a preliminary injunction preventing further collection of restitution during the litigation.

HOLDINGS

1. A prison disciplinary board may impose and collect restitution from an inmate's prison account without a separate outside court order, provided the disciplinary proceeding includes constitutionally adequate procedural safeguards and the decision is supported by some evidence.
2. Torres may proceed against Sherman Day in his individual capacity on a Fourteenth Amendment claim concerning the imposition of the restitution sanction on June 2, 2022.
3. Torres failed to state a plausible constitutional claim against McGee or Morgan, and both were dismissed from the lawsuit.
4. The motion for a preliminary injunction was denied.

KEY QUOTATIONS

"It is truly too much to require correctional officials to seek a criminal restitution order or a civil tort judgment before they may restrict an inmate's use of his commissary account until he makes good the damage he has caused . . ." (Opinion and Order)

"Instead, inmate accounts can be debited or frozen pursuant to restitution orders issued by prison disciplinary boards as long as the "procedural safeguards" at the disciplinary hearing are constitutionally adequate per Wolff v. McDonnell, 418 U.S. 539 (1974)." (Opinion and Order)

"Accordingly, Torres will be allowed to proceed on a Fourteenth Amendment claim that he was denied due process in connection with the imposition of the restitution sanction by DHB Officer Day on June 2, 2022." (Opinion and Order)

FACTUAL BACKGROUND

Torres was found guilty by an Indiana prison disciplinary hearing board of aiding or abetting the murder of inmate Leo Cullen after evidence showed that Torres kicked and punched Cullen while Cullen was on the ground after being stabbed. The disciplinary board imposed restitution, and prison officials later deducted \$36.18

from Torres's trust account. Torres alleged that the restitution was unauthorized because no outside court ordered it and that there was insufficient evidence of financial loss, but he did not identify a specific violation of the procedural safeguards required at the disciplinary hearing.

PROCEDURAL HISTORY

Torres, an incarcerated plaintiff proceeding without counsel, filed an amended complaint alleging that prison officials violated due process by imposing and collecting restitution from his prison trust account following a disciplinary conviction. The court screened the amended complaint, permitted a Fourteenth Amendment claim for monetary damages and/or permanent injunctive relief to proceed against DHB Officer Sherman Day, dismissed all other claims and defendants, and denied Torres's motion for a preliminary injunction.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Edwards v. Snyder, 478 F.3d 827, 830 (7th Cir. 2007)
- McCready v. Ebay, Inc., 453 F.3d 882, 888 (7th Cir. 2006)
- Holmes v. Marion County Sheriff's Office, 141 F.4th 818, 822 (7th Cir. 2025)
- Wilson v. Castaneda, 143 F.4th 814, 818-20 (7th Cir. 2025)
- Campbell v. Miller, 787 F.2d 217, 222-25 (7th Cir. 1986)
- Wolff v. McDonnell, 418 U.S. 539, 563-73 (1974)
- Superintendent, Massachusetts Correctional Institution v. Hill, 472 U.S. 445, 455 (1985)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Edwards v. Balisok, 520 U.S. 641, 643 (1997)
- Tonn v. Dittmann, 607 F. App'x 589 (7th Cir. 2015)
- Hull v. Cooke, No. 22-2848, 2024 WL 81104, at *3 (7th Cir. Jan. 8, 2024)
- Linear v. Village of University Park, 887 F.3d 842, 844 (7th Cir. 2018)
- Keller v. Donahue, 271 F. App'x 531, 532 (7th Cir. 2008)
- Cassell v. Snyders, 990 F.3d 539, 544 (7th Cir. 2021)
- Orr v. Shicker, 953 F.3d 490, 501-02 (7th Cir. 2020)
- Tully v. Okeson, 977 F.3d 608, 612-13 (7th Cir. 2020)
- Turnell v. CentiMark Corp., 796 F.3d 656, 662 (7th Cir. 2015)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Illinois Republican Party v. Pritzker, 973 F.3d 760, 762-63 (7th Cir. 2020)

- Doe v. University of Southern Indiana, 43 F.4th 784, 791-92 (7th Cir. 2022)
- Graham v. Medical Mutual of Ohio, 130 F.3d 293, 296 (7th Cir. 1997)
- Roland Machinery Co. v. Dresser Industries, Inc., 749 F.2d 380, 386 (7th Cir. 1984)

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