

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS

Hill v. Wexford, et al.

Hill · No. 25-4219 · Decided March 3, 2026

SUMMARY

In this merit review order, the United States District Court for the Central District of Illinois screened Demeco Hill’s 42 U.S.C. § 1983 complaint concerning delayed and inadequate medical care after a prison injury. The court dismissed all claims without prejudice under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A, finding insufficient allegations of personal involvement, an unconstitutional policy or practice, or deliberate indifference, and noting potential statute-of-limitations issues. The court granted Hill 30 days to file a complete amended complaint.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois
WRITING FOR THE COURT	Michael M. Mihm
JURISDICTION	United States District Court for the Central District of Illinois
DECIDED	March 3, 2026
DOCKET	25-4219
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 subjected to mandatory screening under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	At § 1915A screening, the court accepts factual allegations as true and liberally construes them in the plaintiff's favor, but disregards conclusory statements and dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from immune defendants. The pleading must state a claim that is plausible on its face.
PRECEDENTIAL VALUE	Unknown; district court merit review order identified in the source as having unknown precedential status.
PARTIES	Demeco Hill v. Wexford, Nelly Boon, John Doe, IDOC Administration, John Doe, Warden, Jane Doe, Sick Call Nurse

TOPICS

section 1983

prisoners rights

motions to dismiss

pleadings

statute of limitations

PRACTICE AREAS

prisoner civil rights

constitutional torts

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible Eighth Amendment deliberate-indifference claim against the warden, healthcare administrator, private medical contractor, IDOC Administration, or sick-call nurse.
2. Whether the claims against the supervisory and institutional defendants could proceed without allegations of personal participation or an unconstitutional policy, practice, or custom.
3. Whether the allegations appeared barred by the applicable two-year statute of limitations.
4. Whether dismissal should be without prejudice with leave to amend.

HOLDINGS

1. A prisoner asserting deliberate indifference must allege both an objectively sufficiently serious medical condition and a subjectively culpable state of mind showing that the defendant knew of and disregarded an excessive risk to the prisoner's health.
2. Section 1983 does not impose respondeat superior liability; a defendant must have personally participated in the constitutional deprivation or been deliberately reckless or knowingly acquiescent regarding subordinate misconduct.
3. A private corporation performing a governmental function may face § 1983 liability only when an unconstitutional policy, practice, custom, or decision by a final policymaker caused the constitutional injury; it is not vicariously liable for employees' alleged misconduct.
4. Conclusory and threadbare allegations that a nurse failed to respond adequately to sick-call requests, without specifying the requests, timing, or manner of deliberate indifference, do not state a plausible deliberate-indifference claim.
5. Section 1983 claims in Illinois are generally subject to a two-year statute of limitations, and dismissal under Rule 12(b)(6) may be appropriate when the complaint itself establishes all elements of an affirmative limitations defense.

KEY QUOTATIONS

“There is no respondeat superior under § 1983. In other words, Defendants John Doe and Boon cannot be liable based only on their supervisory roles.”

“Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and § 1915A.”

FACTUAL BACKGROUND

Hill alleged that he slipped on ice at Hill Correctional Center in September 2021 and tore his quadriceps muscle. He alleged that medical staff delayed an MRI until October 2023, when the tear was discovered to be no longer repairable, and that staff failed to provide prescribed physical therapy. He also alleged that supervisory officials failed to oversee medical care, that a sick-call nurse did not see him for nearly five months, and that lockdowns and canceled call passes interfered with his access to the law library.

PROCEDURAL HISTORY

Hill filed a complaint alleging deliberate indifference to a serious medical need, supervisory liability, and denial of access to the law library. On merit review, the court dismissed the complaint without prejudice under Federal Rule of Civil Procedure 12(b)(6) and § 1915A, but granted Hill a final opportunity to file an amended complaint within 30 days.

DISPOSITION

dismissed

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Hayes v. Snyder, 546 F.3d 516, 522 (7th Cir. 2008)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Holloway v. Delaware County Sheriff, 700 F.3d 1063, 1073 (7th Cir. 2012)
- John Doe v. Purdue University, Doe v. Purdue University, 928 F.3d 652, 664 (7th Cir. 2019)
- Vance v. Peters, 97 F.3d 987, 991 (7th Cir. 1996)
- Ashcroft v. Iqbal, 556 U.S. 662, 667 (2009)
- Vance v. Rumsfeld, 701 F.3d 193, 203-05 (7th Cir. 2012) (en banc)
- Sanville v. McCaughtry, 266 F.3d 724, 740 (7th Cir. 2001)
- Arnett, 658 F.3d at 755
- Greeno v. Daley, 414 F.3d 645, 656 (7th Cir. 2005)
- Johnson v. Doughty, 433 F.3d 1001, 1011 (7th Cir. 2006)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 691-92 (1978)
- Iskander v. Village of Forest Park, 690 F.2d 126, 128 (7th Cir. 1982)
- Lewis v. City of Chicago, 496 F.3d 645, 656 (7th Cir. 2007)
- Shields v. Illinois Department of Corrections, 746 F.3d 782, 789 (7th Cir. 2014)
- Taylor v. Wexford Health Sources, Inc., No. 15-5190, 2016 WL 3227310, at *4 (N.D. Ill. June 13, 2016)
- McCormick v. City of Chicago, 230 F.3d 319, 324 (7th Cir. 2000)
- Draper v. Martin, 664 F.3d 1110, 1113 (7th Cir. 2011)
- Hileman v. Maze, 367 F.3d 694, 696 (7th Cir. 2004)
- Kelly v. City of Chicago, 4 F.3d 509, 511 (7th Cir. 1993)

- *Bray v. Gary Police Department Chief*, No. 2:10-CV-229, 2010 WL 2674531, at *1 (N.D. Ind. June 28, 2010)
- *Tregenza v. Great American Communications Co.*, 12 F.3d 717, 718 (7th Cir. 1993)
- *Independent Trust Corp. v. Stewart Information Services Corp.*, 665 F.3d 930, 935 (7th Cir. 2012)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS DEMECO HILL,)
 Plaintiff,)) v.) Case No. 25-4219) WEXFORD, et al.,) Defendants.) MERIT REVIEW ORDER
 Plaintiff, proceeding pro se and currently incarcerated at Hill Correctional Center (“Hill”), filed a
 Complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights. (Doc. 1).

The Court must “screen” Plaintiff’s Complaint, and through such process, identify and dismiss any legally insufficient claim, or the entire action if warranted. 28 U.S.C. § 1915A. A claim is legally insufficient 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.” *Id.* In reviewing the Complaint, the Court accepts the factual allegations as true, liberally construing them in Plaintiff’s favor.

See *Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). Conclusory statements and labels are insufficient, however. 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). ALLEGATIONS Plaintiff files suit against Defendants Wexford, Nelly Boon (Healthcare Administrator), John Doe (IDOC Administration), John Doe (Warden), and Jane Doe (Sick Call Nurse).

Plaintiff alleges he slipped on ice in the yard at Hill in September 2021 and tore his front quad muscle. Plaintiff alleges he asked an unidentified correctional officer to go to the Healthcare Unit (“HCU”), but his request was denied. Plaintiff put in for sick call, but he was told it was not a tear.

In October 2023, Plaintiff underwent an MRI which revealed he had a tear. Plaintiff states the tear could not be repaired because it was too late and his injury had healed wrong. Physical therapy was recommended, but Plaintiff alleges unidentified medical staff at Hill failed to follow the physical therapist’s treatment plan. Plaintiff alleges Defendant Warden John Doe failed to ensure he received physical therapy during lockdowns and while he was assigned to the restrictive housing unit.

Plaintiff alleges Defendant Healthcare Administrator Boon “failed to review [his] situation resulting in a 2 year delay in sending [him] out to have the MRI that showed his injury.” (Doc. 1 at p. 7). Plaintiff alleges the delay caused permanent disfigurement, and he cannot participate in sports he previously enjoyed. Plaintiff also alleges Defendant Boon failed to ensure staff properly executed their duties when responding to sick call requests.

Plaintiff alleges Defendant Sick Call Nurse Jane Doe did not see him for almost five months despite his numerous sick call requests. Plaintiff claims nursing staff were deliberately indifferent to his medical needs during sick call. Plaintiff alleges he was denied access to the law library and was unable to file his Complaint until now. Plaintiff states Defendant Warden John Doe instituted frequent lockdowns at Hill and canceled his call passes to the law library.

ANALYSIS It is well established that deliberate indifference to a serious medical need is actionable as a violation of the Eighth Amendment. *Hayes v. Snyder*, 546 F.3d 516, 522 (7th Cir. 2008). A claim of deliberate indifference contains both an objective and a subjective component. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994).

To satisfy the objective component, a prisoner must demonstrate that his medical condition is “objectively, sufficiently serious.” *Id.* An objectively serious medical condition is one that “has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would perceive the need for a doctor’s attention.” *Hayes*, 546 F.3d at 522.

To satisfy the subjective component, the inmate must demonstrate that the prison official acted with a “sufficiently culpable state of mind.” *Farmer*, 511 U.S. at 834. The official must know of and disregard an excessive risk to the inmate’s health; “the official 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.” *Id.* at 837.

The prisoner must show that the defendant engaged in more than negligence and that the defendant’s conduct approached intentional wrongdoing or criminal recklessness. *Holloway v. Delaware Cnty. Sheriff*, 700 F.3d 1063, 1073 (7th Cir. 2012) (citing *Farmer*, 511 U.S. at 837).

In a conclusory fashion, Plaintiff alleges Defendant Warden John Doe was deliberately indifferent because he failed to ensure Plaintiff received proper medical care and physical therapy. Plaintiff alleges Defendant Healthcare Administrator Boon “failed to review [his] situation,” and as a result, Plaintiff was not sent out for an MRI in timely manner. Plaintiff also alleges Defendant Boon failed to ensure medical staff properly executed their duties when responding to sick call requests.

There is no respondeat superior under § 1983. In other words, Defendants John Doe and Boon cannot be liable based only on their supervisory roles. See *Doe v. Purdue Univ.*, 928 F.3d 652, 664 (7th Cir. 2019). “Section 1983 creates a cause of action based on personal liability and predicated upon fault; thus, liability does not attach unless the individual defendant caused or participated in a constitutional deprivation.” *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir.

1996). Officials are accountable for their own acts; they are not vicariously liable for the conduct of subordinates. See *Ashcroft v. Iqbal*, 556 U.S. 662, 667 (2009); *Vance v. Rumsfeld*, 701 F.3d 193, 203-05 (7th Cir. 2012) (en banc). If prison officials are named, they must be named in their individual capacities, and Plaintiff must allege that the official personally participated in the

deprivation or was deliberately reckless as to the misconduct of subordinates or was aware and condoned, acquiesced, or turned a blind eye to it.

Sanville v. McCaughtry, 266 F.3d 724, 740 (7th Cir. 2001). Additionally, “if a prisoner is under the care of medical experts, a non-medical prison official will generally be justified in believing that the prisoner is in capable hands.” *Arnett*, 658 F.3d at 755 (citing *Greeno v. Daley*, 414 F.3d 645, 656 (7th Cir. 2005)); see also *Johnson v. Doughty*, 433 F.3d 1001, 1011 (7th Cir.

2006). Defendants Warden John Doe and Boon are dismissed without prejudice for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) and § 1915A. Plaintiff alleges the IDOC Administration contracted with Wexford and is responsible for the care Wexford provided. It is unclear how the IDOC Administration and Wexford were involved in any constitutional deprivation.

Private corporations have potential liability under *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 691-92 (1978), if they perform a governmental function and, in doing so, injure plaintiff through an unconstitutional policy or practice. *Iskander v. Vill. of Forest Park*, 690 F.2d 126, 128 (7th Cir. 1982). Since there is no respondeat superior liability under § 1983, Wexford cannot be liable for the alleged misdeeds of its employees, as employees are responsible individually.

Lewis v. City of Chicago, 496 F.3d 645, 656 (7th Cir. 2007). Wexford has potential liability only if it had an unconstitutional policy, practice, or custom which caused the constitutional deprivation. *Shields v. Ill. Dep’t of Corr.*, 746 F.3d 782, 789 (7th Cir. 2014). “Liability may be based on (1) an express policy that, when enforced, causes a constitutional deprivation; (2) a widespread practice that, although not authorized by written law or express policy, is so permanent and well-settled as to constitute a custom or usage with the force of law; or (3) a constitutional injury caused by a person with final policy making authority.” *Taylor v. Wexford Health Sources, Inc.*, No.15-5190, 2016 WL 3227310, at *4 (N.D.

Ill. June 13, 2016) (citing *McCormick v. City of Chicago*, 230 F.3d 319, 324 (7th Cir. 2000)). Defendants IDOC Administration and Wexford are dismissed without prejudice for failure to state a claim under Rule 12(b)(6) and § 1915A. Plaintiff alleges Defendant Jane Doe, the Sick Call Nurse, did not see him for almost five months despite his numerous sick call requests.

Plaintiff also claims nursing staff were deliberately indifferent to his medical needs during sick call. Plaintiff does not specify how many sick call requests he submitted or when he submitted them. Plaintiff also does not specify how nursing staff were allegedly deliberately indifferent to his medical needs during sick call. Plaintiff’s conclusory and threadbare allegations against Defendant Jane Doe are insufficient to state a deliberate indifference claim.

Defendant Jane Doe is dismissed without prejudice for failure to state a claim under Rule 12(b)(6) and § 1915A. Finally, it appears Plaintiff's claims may be barred by the statute of limitations, as Plaintiff alleges conduct that occurred in September 2021 and October 2023. Claims brought under § 1983 are generally governed by a two-year statute of limitations.

Draper v. Martin, 664 F.3d 1110, 1113 (7th Cir. 2011) (“[i]n Illinois, the statute of limitations period for § 1983 claims is two years, 735 ILCS 5/13-201”). A claim accrues “when the plaintiff knows or should know that his or her constitutional rights have been violated.” *Hileman v. Maze*, 367 F.3d 694, 696 (7th Cir. 2004) (quoting *Kelly v. City of Chicago*, 4 F.3d 509, 511 (7th Cir.

1993)). “The statute of limitations is an affirmative defense, but if a plaintiff ‘pleads facts that show his suit is time-barred or otherwise without merit, he has pleaded himself out of court.’” *Bray v. Gary Police Dept. Chief*, No. 2:10- CV-229, 2010 WL 2674531, at *1 (N.D. Ind. June 28, 2010) (quoting *Tregenza v. Great Am. Commc’ns Co.*, 12 F.3d 717, 718 (7th Cir.

1993)); see also *Indep. Tr. Corp. v. Stewart Info. Servs. Corp.*, 665 F.3d 930, 935 (7th Cir. 2012) (“[a] statute of limitations provides an affirmative defense, and a plaintiff is not required to plead facts in the complaint to anticipate and defeat affirmative defenses. But when a plaintiff’s complaint nonetheless sets out all of the elements of an affirmative defense, dismissal under Rule 12(b)(6) is appropriate.”).

Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and § 1915A. The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice.

Plaintiff’s Amended Complaint will replace Plaintiff’s Complaint in its entirety. The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. IT IS THEREFORE ORDERED: 1) Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A.

The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice. Plaintiff’s Amended Complaint will replace Plaintiff’s Complaint in its entirety.

The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. 2) The Clerk is directed to send Plaintiff a blank Section 1983 complaint form. ENTERED: March 3, 2026 s/ Michael M. Mihm Michael M. Mihm United States District Judge

