

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS

Jeffrey L. Smith v. John/Jane Does, et al.

Case No. 25-3324 (C.D. Ill. Mar. 17, 2026) · No. 25-3324 · Decided March 17, 2026

SUMMARY

The United States District Court for the Central District of Illinois dismisses Jeffrey L. Smith’s amended 42 U.S.C. § 1983 complaint after screening under 28 U.S.C. § 1915A. The court concludes that HIPAA provides no private right of action and that the remaining allegations are vague and fail to establish defendants’ personal involvement in a constitutional violation; the dismissal is with prejudice and counts as a strike under § 1915(g).

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 17, 2026
DOCKET	25-3324
DISPOSITION	dismissed
PROCEDURAL POSTURE	Merit-review screening of a pro se detainee's amended complaint under 28 U.S.C. § 1915A, resulting in dismissal with prejudice under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court accepted factual allegations as true and liberally construed them in the plaintiff's favor, but required sufficient nonconclusory facts to state a plausible claim for relief. The court dismissed claims that were legally insufficient, including claims that failed to state a claim upon which relief could be granted.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Jeffrey L. Smith v. John/Jane Does, et al.

TOPICS

- section 1983
- motions to dismiss
- prisoners rights
- hipaa
- civil procedure

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim under 42 U.S.C. § 1983 based on alleged communications concerning Smith's mental health.
2. Whether the amended complaint stated a constitutional claim based on the alleged transfer to the Fulton County Sheriff's Detention Facility, inadequate medical care, or disclosure of attorney-client communications.
3. Whether amendment should be permitted when the court determined that further amendment would be futile.

HOLDINGS

1. HIPAA does not provide a private right of action, so Smith could not maintain a private claim based solely on alleged disclosures or communications concerning his mental health.
2. The amended complaint failed to state a § 1983 claim because its allegations were vague and confusing and did not demonstrate each defendant's direct, personal involvement in a constitutional violation.
3. Leave to amend was properly denied because any further amendment to the claims raised in the pleading would be futile.

KEY QUOTATIONS

"HIPAA does not provide a private right of action."

"Liability under § 1983 requires a defendant's direct, personal involvement."

"Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A for failure to state a federal claim upon which relief may be granted."

FACTUAL BACKGROUND

Smith, who was detained at Packard Mental Health Center, alleged that defendants communicated with facility staff about his mental health. He also alleged that defendants took him to the Fulton County Sheriff's Detention Facility, that two defendants failed to provide proper medical care there, and that a nonparty disclosed attorney-client communications. The court found the allegations vague and confusing and insufficient to show defendants' personal involvement in a constitutional violation.

PROCEDURAL HISTORY

Smith filed an amended complaint under 42 U.S.C. § 1983 alleging constitutional violations arising from communications about his mental health, an alleged transfer or kidnapping, inadequate medical care, and disclosure of attorney-client communications. The court screened the amended complaint, concluded that the HIPAA-related claim was not actionable and that the remaining allegations failed to establish personal involvement or a plausible constitutional violation, and dismissed the action with prejudice. The court also

assessed a strike under 28 U.S.C. § 1915(g), directed continued collection of the filing fee, and ordered the clerk to enter judgment and close the case.

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)
- Haywood v. Novartis Pharms. Corp., 298 F. Supp. 3d 1180, 1191 (N.D. Ind. 2018)
- Carpenter v. Phillips, 419 F. App'x 658, 659 (7th Cir. 2011)
- Doe v. Board of Trs. of the Univ. of Ill., 429 F. Supp. 2d 930, 944 (N.D. Ill. 2006)
- Gentry v. Duckworth, 65 F.3d 555, 561 (7th Cir. 1995)
- Vance v. Peters, 97 F.3d 987, 991 (7th Cir. 1996)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1025 (7th Cir. 2013)
- Gonzalez-Koeneke v. West, 791 F.3d 801, 807 (7th Cir. 2015)
- Arreola v. Godinez, 546 F.3d 788, 796 (7th Cir. 2008)
- Celske v. Edwards, 164 F.3d 396, 398 (7th Cir. 1999)
- Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS JEFFREY L. SMITH,) Plaintiff,)) v.) Case No. 25-3324) JOHN/JANE DOES, et al.,) Defendants.) MERIT REVIEW ORDER Plaintiff, proceeding pro se and currently detained at the Packard Mental Health Center (“PMHC”), filed an Amended Complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights.

(Doc. 9). The Court must “screen” Plaintiff’s Amended 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 Amended 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 Brian D. Bucher (Mayor of Astoria, Illinois), Michael

Deveere Trone, Trevor Kimbro, Andrew Merrick, Keith Wienman, Kevin Wienman, Andrew Wienman, Aimee Trone, Taylor Trone, and Samie Kling.

Plaintiff alleges he arrived at Packard Mental Health Center on March 18, 2026. Plaintiff claims staff members permit Defendants to call the facility and communicate with mental health staff about his health. Plaintiff alleges Defendants “kidnapped” him and took him to the Fulton County Sheriff’s Detention Facility. (Doc. 9 at p. 7). Plaintiff claims “the so called fake nurses,” Defendants Aimee Trone and Samie Kling, did not provide proper medical care in the Detention Center.

Id. at p. 7. Plaintiff also alleges Whitney Parrish, who is not named as a party, broke attorney-client privilege by talking with Defendants on the phone. ANALYSIS Plaintiff claims Defendants violated his rights by communicating with staff members at Packard Mental Health Center about his mental health. “HIPAA does not provide a private right of action.” *Haywood v. Novartis Pharms.*

Corp., 298 F. Supp. 3d 1180, 1191 (N.D. Ind. 2018); *Carpenter v. Phillips*, 419 F. App’x 658, 659 (7th Cir. 2011) (collecting cases); *Doe v. Board of Tr. of the Univ. of Ill.*, 429 F.Supp.2d 930, 944 (N.D. Ill. 2006) (“Every court to have considered the issue... has concluded that HIPAA does not authorize a private right of action”).

The remainder of Plaintiff’s allegations are vague, confusing, and fail to demonstrate how the Defendants were personally involved in any constitutional violation. Liability under § 1983 requires a defendant’s direct, personal involvement. *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir. 1995); *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996) (“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.”); *George v. Smith*, 507 F.3d 605, 607 (7th Cir.

2007). Although the Court has the discretion to permit Plaintiff to file a second amended complaint, it is unnecessary when, as here, the Court finds that any amendment to the claim raised in Plaintiff’s pleading would be futile. *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1025 (7th Cir. 2013); see also *Gonzalez-Koeneke v. West*, 791 F.3d 801, 807 (7th Cir.

2015) (“District courts, nevertheless, ‘have broad discretion to deny leave to amend where there is undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, undue prejudice to the defendants, or where the amendment would be futile.’”) (quoting *Arreola v. Godinez*, 546 F.3d 788, 796 (7th Cir. 2008)). IT IS THEREFORE ORDERED: 1) Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A for failure to state a federal claim upon which relief may be granted.

Any further amendment would be futile. The Clerk is directed to enter judgment and close this case. 2) This dismissal shall count as one of Plaintiff's three allotted strikes pursuant to 28 U.S.C. § 1915(g). The Clerk of Court is directed to record Plaintiff's strike in the three-strike log. 3) Plaintiff remains responsible for any unpaid balance of the \$350.00 filing fee even though his case has been dismissed.

The agency having custody of Plaintiff shall continue to make monthly payments to the Clerk of Court as directed in the Court's prior Order. See d/e 1/29/2026. 4) If Plaintiff wishes to appeal this judgment, he must file a notice of appeal with this Court within 30 days of the entry of judgment. Fed. R. App. P. 4(a)(4). A motion for leave to appeal in forma pauperis MUST identify the issues Plaintiff will present on appeal to assist the Court in determining whether the appeal is taken in good faith.

See Fed. R. App. P. 24(a)(1)(c); see also *Celske v. Edwards*, 164 F.3d 396, 398 (7th Cir. 1999) (stating that an appellant should be allowed to submit a statement of the grounds for appealing so that the district judge "can make a reasonable assessment of the issue of good faith"); *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000) (providing that a good-faith appeal is an appeal that "a reasonable person could suppose... has some merit" from a legal perspective).

If Plaintiff does choose to appeal, he will be liable for the \$605.00 appellate filing fee regardless of the outcome of the appeal. ENTERED: 3/17/2026 s/ Michael M. Mihm Michael M. Mihm United States District Judge