

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Douglas McGrew v. Quaay Tran

McGrew v. Tran · No. 24-cv-232-RJD · Decided April 21, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted Defendant Quang Nguong Tran’s motion for summary judgment in an Eighth Amendment deliberate-indifference action concerning unsuccessful attempts to extract the plaintiff’s wisdom tooth. The court held that the record showed the exercise of professional medical judgment, pain-management treatment, and referral to an oral surgeon, without evidence of deliberate indifference, and dismissed the case with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Reona J. Daly
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 21, 2026
DOCKET	24-cv-232-RJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging that a prison dentist was deliberately indifferent to his serious dental needs in violation of the Eighth Amendment. After discovery, Defendant moved for summary judgment, which Plaintiff opposed.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the facts and draws reasonable inferences in favor of the nonmoving party, but the nonmovant must identify specific facts showing a genuine issue for trial.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Douglas McGrew v. Quaay Tran

TOPICS

- section 1983
- prisoners rights
- cruel and unusual punishment
- summary judgment
- civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner medical care

civil procedure

QUESTIONS PRESENTED

1. Whether Dr. Tran was deliberately indifferent to Plaintiff's serious dental need by attempting to extract the wisdom tooth, allegedly fracturing it during the attempts, failing to remove it, and delaying specialist treatment.
2. Whether the undisputed record established that Dr. Tran's treatment decisions and response to Plaintiff's pain were based on professional medical judgment rather than deliberate indifference.
3. Whether Defendant was entitled to summary judgment under Federal Rule of Civil Procedure 56.

HOLDINGS

1. The record did not support an inference that Dr. Tran was deliberately indifferent to Plaintiff's serious dental need. The unsuccessful extraction attempts and alleged tooth fractures, without evidence that the treatment was blatantly inappropriate or outside accepted professional judgment, did not establish a constitutional violation.
2. Dr. Tran was entitled to summary judgment because the record showed repeated prescriptions for pain medication and antibiotics and a referral to an oral surgeon, with no evidence that any delay attributable to Dr. Tran prolonged Plaintiff's pain for a nonmedical reason or reflected reckless disregard.
3. Summary judgment was warranted because there was no genuine dispute of material fact and Dr. Tran was entitled to judgment as a matter of law on the deliberate-indifference claim.

KEY QUOTATIONS

"Mere negligence, civil objective recklessness, or "medical malpractice do[] not become a constitutional violation merely because the victim is a prisoner." (at 6)

"A medical professional is entitled to deference in treatment decisions unless no minimally competent professional would have [recommended the same] under those circumstances." (at 6)

"In sum, the record does not support an inference that Dr. Tran exhibited conduct "approaching a total unconcern" or that his response was "so plainly inappropriate as to permit the inference that [he] intentionally or recklessly disregarded" Plaintiff's needs." (at 9)

FACTUAL BACKGROUND

Plaintiff, an Illinois prisoner, suffered pain from a decayed and fractured upper-left wisdom tooth. Dr. Tran attempted extraction twice, prescribed pain medication and antibiotics, and referred Plaintiff to an oral surgeon after the attempts were unsuccessful. Plaintiff ultimately underwent surgical extraction by another provider on April 3, 2024, with no subsequent complications.

PROCEDURAL HISTORY

Following screening under 28 U.S.C. § 1915A, Plaintiff was permitted to proceed on an Eighth Amendment deliberate-indifference claim against Dr. Tran and against the Big Muddy warden solely for injunctive relief. The warden was dismissed after the injunctive-relief claim became moot. The court, acting under the parties' consent pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, granted Dr. Tran's motion for summary judgment and dismissed the case with prejudice.

DISPOSITION

dismissed

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Ruffin-Thompkins v. Experian Information Solutions, Inc., 422 F.3d 603, 607 (7th Cir. 2005)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250 (1986)
- Estate of Simpson v. Gorbett, 863 F.3d 740, 745 (7th Cir. 2017)
- Keeton v. Morningstar, Inc., 667 F.3d 877, 884 (7th Cir. 2012)
- Raymond v. Ameritech Corp., 442 F.3d 600, 608 (7th Cir. 2006)
- Reales v. Consolidated Rail Corp., 84 F.3d 993, 997 (7th Cir. 1996)
- Apex Digital, Inc. v. Sears, Roebuck & Co., 735 F.3d 962, 965 (7th Cir. 2013)
- Brown v. Osmundson, 38 F.4th 545, 550, 559-60 (7th Cir. 2022)
- Reck v. Wexford Health Sources, Inc., 27 F.4th 473, 483 (7th Cir. 2022)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- McGee v. Adams, 721 F.3d 474, 481 (7th Cir. 2013)
- Pyles v. Fahim, 771 F.3d 403, 409 (7th Cir. 2014)
- Norfleet v. Webster, 439 F.3d 392, 395-96 (7th Cir. 2006)
- Plummer v. Wexford Health Sources, Inc., 609 F. App'x 861, 2015 WL 4461297, at *2 (7th Cir. 2015)
- Arnett v. Webster, 658 F.3d 742, 754 (7th Cir. 2011)
- Edwards v. Snyder, 478 F.3d 827, 831 (7th Cir. 2007)
- Machicote v. Roethlisberger, 969 F.3d 822, 828 (7th Cir. 2020)
- Perez v. Fenoglio, 792 F.3d 768, 777 (7th Cir. 2015)
- Thomas v. Martija, 991 F.3d 763, 771 (7th Cir. 2021)
- Goodloe v. Sood, 947 F.3d 1026, 1032 (7th Cir. 2020)
- Petties v. Carter, 836 F.3d 722, 731-32 (7th Cir. 2016)
- Conley v. Birch, 796 F.3d 742, 749 (7th Cir. 2015)
- Rasho v. Elyea, 856 F.3d 469, 476 (7th Cir. 2017)
- Johnson v. Overall, No. 3:17-CV-460-MAB, 2020 WL 1235653, at *5 (S.D. Ill. Mar. 13, 2020)
- Hayes v. Snyder, 546 F.3d 516, 524 (7th Cir. 2008)
- Sherrod v. Lingle, 223 F.3d 605, 611 (7th Cir. 2000)

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