

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Gee v. Allen et al.

No. 1:25-cv-01594-JPH-KMB (S.D. Ind. Feb. 20, 2026) · No. No. 1:25-cv-01594-JPH-KMB · Decided
February 20, 2026

SUMMARY

The United States District Court for the Southern District of Indiana screens Damon T. Gee's prisoner complaint concerning allegedly contaminated water at Pendleton Correctional Facility. The court allows an injunctive-relief claim under the Safe Drinking Water Act against the warden in his official capacity and Eighth Amendment conditions-of-confinement claims against all defendants. The court dismisses Clean Water Act claims, damages claims under the Safe Drinking Water Act, and deliberate-indifference medical-care claims, and directs service of process.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	James Patrick Hanlon
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	February 20, 2026
DOCKET	No. 1:25-cv-01594-JPH-KMB
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a prisoner's complaint under 28 U.S.C. § 1915A before service of process.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The court applies the Rule 12(b)(6) standard, accepting well-pleaded factual allegations as true but disregarding legal conclusions, and construes a pro se complaint liberally.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Damon T. Gee v. Trent Allen, Charlie Fox, W. Callahan, Jeremy Alberson, Andy Bagienski, Christina Wright, Marie Loyd, A. Wilson, V. Stanley

TOPICS

prisoners rights

cruel and unusual punishment

section 1983

clean water act

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the complaint stated a claim under the Clean Water Act.
2. Whether the complaint stated a Safe Drinking Water Act claim for injunctive relief and damages.
3. Whether the complaint stated a deliberate-indifference claim based on denial of medical care.
4. Whether the complaint stated Eighth Amendment conditions-of-confinement claims against the defendants.

HOLDINGS

1. The Clean Water Act claims were dismissed because the complaint did not allege a discharge of pollutants into navigable waters by the defendants.
2. The Safe Drinking Water Act claim for injunctive relief could proceed against Warden Allen in his official capacity, but claims for damages under the Act against any defendant were dismissed.
3. The deliberate-indifference claims based on denial of medical care were dismissed because Gee did not identify how any particular defendant was personally involved in depriving him of needed medical care.
4. The Eighth Amendment conditions-of-confinement claims could proceed against all defendants based on allegations that each participated in the facility's water risk management team and failed to take adequate action to provide safe drinking and shower water.
5. Because Gee expressly identified the Clean Water Act, Safe Drinking Water Act, and Eighth Amendment as his legal theories, the court was not required to analyze whether the allegations stated a claim under a different theory.

KEY QUOTATIONS

“When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief.”

“The following claims are proceeding in this action: a claim for injunctive relief under the SDWA against Warden Allen only and Eighth Amendment conditions of confinement claims against all Defendants. All other claims have been dismissed.”

FACTUAL BACKGROUND

Gee, a prisoner at Pendleton Correctional Facility, alleged that the facility's water was contaminated with Legionnaire's disease, H. pylori, lead, and other contaminants, and was sometimes brown or black with a foul odor. He alleged that cellhouses J, G, and H lacked access to filtered drinking water, that staff and visitors were

advised not to drink the water, and that filters on showerheads were not consistently maintained. Gee claimed that he became ill, was denied medical treatment, and that the defendants participated in the facility's water risk management plan but failed to provide safe drinking and shower water.

PROCEDURAL HISTORY

Gee filed a civil-rights complaint alleging that contaminated water at Pendleton Correctional Facility violated the Eighth Amendment, the Clean Water Act, and the Safe Drinking Water Act. The district court screened the complaint before service, dismissed the Clean Water Act claims, damages claims under the Safe Drinking Water Act, deliberate-indifference medical-care claims, and other claims not identified as viable, while allowing an official-capacity Safe Drinking Water Act claim for injunctive relief against Warden Allen and Eighth Amendment conditions-of-confinement claims against all defendants to proceed. The court directed service of process and allowed the plaintiff until March 11, 2026, to seek reconsideration if additional claims were omitted.

DISPOSITION

other

CASES CITED

- Schillinger v. Kiley, 954 F.3d 990, 993 (7th Cir. 2020)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Cesal v. Moats, 851 F.3d 714, 720 (7th Cir. 2017)
- Sackett v. Environmental Protection Agency, 598 U.S. 651, 660 (2023)
- Larry v. Goldsmith, 799 F. App'x 413, 416 (7th Cir. 2019)
- Clancy v. Office of Foreign Assets Control of the U.S. Department of the Treasury, 559 F.3d 595, 606-07 (7th Cir. 2009)
- Hootstein v. Amherst-Pelham Regional School Committee, 361 F. Supp. 3d 94, 105 (D. Mass. 2019)
- Mays v. City of Flint, Michigan, 871 F.3d 437, 450 (6th Cir. 2017)
- Phan v. Aurora City Water Utility Administration, No. 21-CV-00960-GPG, 2021 WL 5629068, at *1 (D. Colo. Apr. 13, 2021)
- Colbert v. City of Chicago, 851 F.3d 649, 657 (7th Cir. 2017)
- Brooks v. Ross, 578 F.3d 574, 580 (7th Cir. 2009)

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