

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
INDIANA, SOUTH BEND DIVISION

Dustin Lee Arbuckle v. C. Frey, Ron Neal, and A. Myers

Arbuckle · No. 3:26-CV-492-PPS-APR · Decided May 12, 2026

SUMMARY

The United States District Court for the Northern District of Indiana screened Dustin Lee Arbuckle’s prisoner complaint under 28 U.S.C. § 1915A. The court permitted Eighth Amendment claims to proceed against the defendants based on alleged denial or delay of medical care for a broken hand, allowed official-capacity injunctive relief against the warden, dismissed the remaining claims, and denied preliminary injunctive relief.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Indiana, South Bend Division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Philip P. Simon                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Northern District of Indiana, South Bend Division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | May 12, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 3:26-CV-492-PPS-APR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Screening of a pro se prisoner’s complaint under 28 U.S.C. § 1915A, together with consideration of a motion for preliminary injunctive relief.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915A, the court accepts well-pleaded factual allegations and reasonable inferences at the screening stage, liberally construes a pro se complaint, and dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. For preliminary injunctive 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; the court evaluates the merits based on the likely record after fuller litigation rather than simply accepting allegations as true. |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                           |                                                                                                              |
|---------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>PRECEDENTIAL VALUE</b> | Nonprecedential district-court opinion and order; precedential status not designated in the source metadata. |
| <b>PARTIES</b>            | Dustin Lee Arbuckle v. C. Frey, Ron Neal, A. Myers                                                           |

## TOPICS

[prisoners rights](#)
[civil rights](#)
[cruel and unusual punishment](#)
[injunctions](#)
[pleadings](#)

## PRACTICE AREAS

[prisoner civil rights](#)
[constitutional litigation](#)
[Section 1983 litigation](#)
[prison medical care](#)
[preliminary injunctions](#)

## QUESTIONS PRESENTED

1. Whether Arbuckle plausibly alleged Eighth Amendment deliberate-indifference claims against Frey, Myers, and Neal based on the denial or delay of medical care for his fractured hand.
2. Whether Arbuckle plausibly alleged First Amendment retaliation based on threats and adverse conduct allegedly connected to grievances or threatened grievances.
3. Whether Arbuckle plausibly alleged an Eighth Amendment failure-to-protect claim based on warnings about a possible 'hit' and generalized threats at the prison.
4. Whether Arbuckle stated a basis for preliminary injunctive relief concerning alleged mental-health deficiencies, threats, and a requested transfer.
5. Whether Arbuckle could proceed against Neal in his official capacity for prospective injunctive relief requiring constitutionally adequate medical care.

## HOLDINGS

1. The complaint plausibly alleged that Frey acted with deliberate indifference by refusing to assist Arbuckle or facilitate medical care for several hours after Arbuckle suffered a serious hand fracture and complained of pain.
2. The complaint plausibly alleged that Myers was deliberately indifferent to Arbuckle's serious medical need by repeatedly refusing treatment, including pain medication, after learning of his fractured hand.
3. The complaint plausibly alleged an individual-capacity deliberate-indifference claim against Neal based on allegations that he received repeated direct notice that Arbuckle had received no medical care and failed to respond.
4. Arbuckle could proceed against Neal in his official capacity for prospective injunctive relief requiring constitutionally adequate medical care for his ongoing hand injury.
5. Arbuckle failed to state a plausible First Amendment retaliation claim because threats to file a grievance were not protected activity, and he did not plausibly allege a post-grievance adverse action caused by a

filed grievance. The alleged conduct underlying the other retaliation theory was dismissed as redundant of the viable Eighth Amendment medical-care claims.

6. Arbuckle failed to state a plausible failure-to-protect claim because allegations of a vague, generalized, and unidentified future 'hit' or threat did not identify a specific, credible, imminent, and substantial risk of serious harm known and disregarded by the defendants.
7. The motion for a preliminary injunction was denied because the new allegations concerning mental-health treatment, threats, and a requested transfer were unrelated or insufficiently specific and did not establish a reasonable likelihood of success or the other threshold requirements for extraordinary relief.

## KEY QUOTATIONS

*“To establish a prima facie case of unlawful retaliation, a plaintiff must show (1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would likely deter First Amendment activity in the future; and (3) the First Amendment activity was at least a motivating factor in the Defendants’ decision to take the retaliatory action.”* (opinion text)

*“The defendant “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.””* (opinion text)

*“A preliminary injunction is a “very far-reaching power, never to be indulged in except in a case clearly demanding it.””* (opinion text)

## FACTUAL BACKGROUND

Arbuckle, an Indiana State Prison inmate, alleged that he slipped while exiting a shower without a slip-resistant mat and fractured the fifth metacarpal of his left hand. He claimed that Sergeant Frey refused to obtain medical care, that nurse A. Myers failed to provide treatment after an x-ray confirmed the fracture, and that Warden Ron Neal failed to respond to requests and letters reporting the lack of care. He also alleged threats, food tampering, retaliation, and a failure to protect him from an alleged future attack, and sought damages, transfer, and injunctive medical relief.

## PROCEDURAL HISTORY

Arbuckle, an incarcerated pro se plaintiff, filed a complaint alleging denial of medical care, retaliation, failure to protect, and related constitutional violations arising from a hand injury. The court screened the complaint under 28 U.S.C. § 1915A, allowed Eighth Amendment medical-care claims to proceed against Frey, Myers, and Neal, allowed official-capacity injunctive relief against Neal, dismissed the remaining claims, directed service, and denied Arbuckle's motion for a preliminary injunction.

## DISPOSITION

other

## CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)

- Thomas v. Blackard, 2 F.4th 716, 722 (7th Cir. 2021)
- Farmer v. Brennan, 511 U.S. 825, 832-34, 837 (1994)
- Stockton v. Milwaukee County, 44 F.4th 605, 615 (7th Cir. 2022)
- Donald v. Wexford Health Sources, Inc., 982 F.3d 451, 458 (7th Cir. 2020)
- Rasho v. Jeffreys, 22 F.4th 703, 710 (7th Cir. 2022)
- Jackson v. Kotter, 541 F.3d 688, 697-98 (7th Cir. 2008)
- Walker v. Wexford Health Sources, Inc., 940 F.3d 954, 965 (7th Cir. 2019)
- Forbes v. Edgar, 112 F.3d 262, 267 (7th Cir. 1997)
- Johnson v. Doughty, 433 F.3d 1001, 1013 (7th Cir. 2006)
- Lockett v. Bonson, 937 F.3d 1016, 1024 (7th Cir. 2019)
- Hildreth v. Butler, 960 F.3d 420, 425-26 (7th Cir. 2020)
- Goodloe v. Sood, 947 F.3d 1026, 1031 (7th Cir. 2020)
- Eagan v. Dempsey, 987 F.3d 667, 694 (7th Cir. 2021)
- Miranda v. County of Lake, 900 F.3d 335, 343 (7th Cir. 2018)
- Arnett v. Webster, 658 F.3d 742, 755 (7th Cir. 2011)
- Burks v. Raemisch, 555 F.3d 592, 594-96 (7th Cir. 2009)
- Gonzalez v. Feinerman, 663 F.3d 311, 315 (7th Cir. 2011)
- Westefer v. Neal, 682 F.3d 679, 681, 683 (7th Cir. 2012)
- Morris v. Kingston, 368 F. App'x 686, 689 (7th Cir. 2010)
- Douglas v. Reeves, 964 F.3d 643, 646 (7th Cir. 2020)
- Gomez v. Randle, 680 F.3d 859, 866 (7th Cir. 2012)
- Clark v. Reed, 772 F. App'x 353, 355 (7th Cir. 2019)
- Bridges v. Gilbert, 557 F.3d 541, 552, 555 (7th Cir. 2009)
- Hambright v. Kemper, 705 F. App'x 461, 462 (7th Cir. 2017)
- Conyers v. Abitz, 416 F.3d 580, 586 (7th Cir. 2005)
- Graham v. Connor, 490 U.S. 386, 395 (1989)
- Hunter v. Mueske, 73 F.4th 561, 565 (7th Cir. 2023)
- Haley v. Gross, 86 F.3d 630, 640 (7th Cir. 1996)
- Gevas v. McLaughlin, 798 F.3d 475, 481 (7th Cir. 2015)
- Klebanowski v. Sheahan, 540 F.3d 633, 639-40 (7th Cir. 2008)
- Grieveson v. Anderson, 538 F.3d 763, 777 (7th Cir. 2008)
- Brown v. Budz, 398 F.3d 904, 911 (7th Cir. 2005)
- Thomas v. Dart, 39 F.4th 835, 843 (7th Cir. 2022)
- Pope v. Shafer, 86 F.3d 90, 92 (7th Cir. 1996)
- Lewis v. Richards, 107 F.3d 549, 554 (7th Cir. 1997)
- Cassell v. Snyders, 990 F.3d 539, 544 (7th Cir. 2021)
- Orr v. Shicker, 953 F.3d 490, 501 (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)
- Mays v. Dart, 974 F.3d 810, 818 (7th Cir. 2020)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-in/2026/dustin-lee-arbuckle-v-c-frey-ron-neal-and-a-myers-im9hdij4>