

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Devin L. Brown v. Helene L. White, Matthew D. Kotkosky, Reece R. Volp, Kevin R. Jennerjohn, Marcelo A. Garcia, Cesar A. Caro, and Brandon Veltus

Brown v. White · No. 25-cv-1852-bhl · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin screened Devin L. Brown’s 42 U.S.C. § 1983 complaint alleging that correctional officers were deliberately indifferent to his serious medical condition after he collapsed from a heart attack. The court granted Brown in forma pauperis status but dismissed the federal claims for failure to state an Eighth Amendment claim, concluding that the defendants responded reasonably and that any failure to provide additional care amounted at most to negligence. The court dismissed purported state-law claims without prejudice for lack of jurisdiction and denied leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	January 7, 2026
DOCKET	25-cv-1852-bhl
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a pro se prisoner complaint under 42 U.S.C. § 1983, together with consideration of the plaintiff's motion to proceed in forma pauperis.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens the prisoner's complaint to determine whether it is frivolous, malicious, seeks relief from an immune defendant, or fails to state a plausible claim for relief. The court accepts well-pleaded factual allegations as true but disregards legal conclusions and conclusory assertions.
PRECEDENTIAL VALUE	unpublished district court screening order; nonprecedential

PARTIES

Devin L. Brown v. Helene L. White, Matthew D. Kotkosky, Reece R. Volp, Kevin R. Jennerjohn, Marcelo A. Garcia, Cesar A. Caro, Brandon Veltus

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

pleadings

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Brown's allegations plausibly stated an Eighth Amendment deliberate-indifference claim against the correctional officers based on their response to his medical emergency.
2. Whether the court had jurisdiction over Brown's purported state-law claims after dismissing the federal claim.
3. Whether Brown should be granted leave to amend his complaint.

HOLDINGS

1. Brown failed to state an Eighth Amendment claim because the alleged facts showed that the correctional officers responded to the emergency by securing the area, summoning assistance, and assisting Brown, rather than ignoring or minimizing his condition. Their failure to provide Brown's preferred or perfect treatment amounted at most to negligence, not deliberate indifference.
2. After Brown failed to state a federal claim, the court lacked jurisdiction over his purported state-law claims and dismissed those claims without prejudice.
3. Leave to amend was denied because amendment would be futile.

KEY QUOTATIONS

“The Constitution requires only that the officers respond reasonably to the situation, not that they respond as Brown would demand in hindsight.”

“The Defendants, none of whom are medical professionals, did not know why Brown had collapsed.”

“The Court is sympathetic to the health challenges Brown now faces, but the Defendants’ failure to respond perfectly is, at most, a matter of negligence, not deliberate indifference.”

FACTUAL BACKGROUND

Brown collapsed on a prison gym floor after suffering a heart attack. Several correctional officers responded, secured the area, moved inmates away, and assisted in positioning Brown while awaiting medical personnel; none began CPR or obtained an automated external defibrillator before a nurse arrived. A nurse began CPR

approximately five minutes after arriving, an automated external defibrillator was later used, and Brown was transported to a hospital.

PROCEDURAL HISTORY

Brown, an incarcerated state prisoner, filed a § 1983 complaint alleging that correctional officers were deliberately indifferent to his serious medical condition after he collapsed following a heart attack. The court granted leave to proceed without prepaying the filing fee, screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), dismissed the federal claims for failure to state a claim, dismissed purported state-law claims without prejudice for lack of jurisdiction, and concluded that amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- Gabb v. Wexford Health Sources, Inc., 945 F.3d 1027, 1033 (7th Cir. 2019)
- Pyles v. Fahim, 771 F.3d 403, 408 (7th Cir. 2014)
- Petties v. Carter, 836 F.3d 722, 727-28 (7th Cir. 2016) (en banc)
- Vance v. Peters, 97 F.3d 987, 992 (7th Cir. 1996)
- Forbes v. Edgar, 112 F.3d 262, 267 (7th Cir. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind., 786 F.3d 510, 520 (7th Cir. 2015)