

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Mecquon J. Jones v. Ascension Living Lakeshore at Siena, Ascension
All Saints, John Does 1–7, and Wisconsin Patients Compensation
Fund

Jones · No. 25-C-1816 · Decided December 30, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Mecquon J. Jones leave to proceed in forma pauperis but dismisses his § 1983 action concerning the death of his mother at a nursing facility. The court concludes that Jones has not shown authority to represent the decedent’s estate, diversity jurisdiction is absent, and the cited federal nursing-home regulations do not create a private cause of action. The dismissal is entered under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), and the court assesses a filing-fee balance and a strike under § 1915(g).

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	William C. Griesbach
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 30, 2025
DOCKET	25-C-1816
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights complaint under 42 U.S.C. § 1983; the court screened the complaint and ruled on Plaintiff's motion to proceed in forma pauperis.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), considering whether it was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant, and whether it satisfied the plausibility and notice-pleading standards of Federal Rule of Civil Procedure 8(a)(2).
PRECEDENTIAL VALUE	unpublished district court screening order

PARTIES

Mecquon J. Jones v. Ascension Living Lakeshore at Siena, Ascension
All Saints, John Does 1–7, Wisconsin Patients Compensation Fund

TOPICS

subject matter jurisdiction

prisoners rights

nursing home liability

medicare medicaid

civil procedure

PRACTICE AREAS

civil rights

health law

civil procedure

nursing home liability

subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether Jones could proceed pro se with claims arising from injuries suffered by his deceased mother without alleging that he was the estate's personal representative and sole beneficiary.
2. Whether the complaint established federal-question jurisdiction through alleged violations of the Omnibus Budget Reconciliation Act nursing-home regulations.
3. Whether the complaint established diversity jurisdiction.
4. Whether the court could exercise supplemental jurisdiction over Jones's state-law claims after concluding that the complaint did not state a claim within the court's original jurisdiction.
5. Whether Jones should be granted leave to proceed in forma pauperis and whether the action should be dismissed at prisoner screening.

HOLDINGS

1. A plaintiff may not proceed pro se on behalf of a decedent's estate unless the plaintiff is the estate's sole beneficiary; an administrator who is not the sole beneficiary cannot represent the estate in court.
2. The Omnibus Budget Reconciliation Act nursing-home regulations do not create a private cause of action, so Jones's alleged violations of those regulations did not establish federal-question jurisdiction.
3. Diversity jurisdiction was absent because Jones alleged that he and the defendants were citizens of Wisconsin, defeating complete diversity.
4. The court could not exercise supplemental jurisdiction over Jones's state-law claims because the complaint did not establish original federal jurisdiction over any related claim.
5. The court granted Jones leave to proceed without prepaying the full filing fee, subject to payment of the full fee over time under the Prison Litigation Reform Act.

KEY QUOTATIONS

“The OBRA does not create a private cause of action under which Plaintiff can sue.” (The Court's Analysis)

“Because Plaintiff has failed to state a claim over which this court has original jurisdiction, the court cannot exercise jurisdiction over any of Plaintiff's state law claims.” (The Court's Analysis)

“This order and the judgment to follow are final.” (Disposition)

FACTUAL BACKGROUND

Mecquon J. Jones's mother, Ms. Simmons, was a resident at Ascension Living Lakeshore at Siena when she suffered a heart attack and died on November 13, 2022. Jones alleged that the defendants failed to exercise reasonable care in monitoring, supervising, and treating her, causing her death. He asserted federal and Wisconsin nursing-home regulatory claims, negligence, corporate negligence, breach of contract, loss of consortium, and punitive damages, but did not allege that an estate existed or that he was its appointed personal representative.

PROCEDURAL HISTORY

Jones, an incarcerated plaintiff proceeding pro se, filed a complaint alleging that defendants' treatment and supervision of his mother at a nursing facility caused her death. He moved to proceed without prepaying the filing fee. The district court granted in forma pauperis status, screened the complaint under the prisoner-screening statutes, dismissed the action for failure to state a claim within federal jurisdiction, assessed a strike under 28 U.S.C. § 1915(g), and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- *Hutchinson on Behalf of Baker v. Spink*, 126 F.3d 895, 898 (7th Cir. 1997)
- *Malone v. Nielson*, 474 F.3d 934, 937 (7th Cir. 2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 570 (2007)
- *Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 27–28 (1983)
- *Tinder v. Lewis County Nursing Home Dist.*, 207 F. Supp. 2d 951, 957 (E.D. Mo. 2001)