

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, SPRINGFIELD DIVISION

Levi Meyers v. Centurion, et al.

Meyers · No. 3:26-cv-03121-JEH · Decided June 15, 2026

SUMMARY

In this merit review order, the United States District Court for the Central District of Illinois dismissed Levi Meyers’s 42 U.S.C. § 1983 complaint without prejudice for failure to state a claim. The court found that the allegations did not adequately establish personal involvement by the individual defendants or a policy or practice supporting liability against Centurion, and granted Meyers 30 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Springfield Division
WRITING FOR THE COURT	Jonathan E. Hawley
JURISDICTION	United States District Court for the Central District of Illinois
DECIDED	June 15, 2026
DOCKET	3:26-cv-03121-JEH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 subjected to preliminary merit review under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	On § 1915A merit review, the court accepted factual allegations as true and liberally construed them in the plaintiff's favor, while requiring enough nonconclusory facts to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished
PARTIES	Levi Meyers v. Centurion, Healthcare Unit Administrator John Doe, Director of Nursing Wilkerson, Nurse Practitioner M. Law, Dr. John Doe

TOPICS

- section 1983
- prisoners rights
- motions to dismiss
- civil procedure
- health law

PRACTICE AREAS

civil procedure

constitutional law

civil rights

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether the complaint stated an Eighth Amendment deliberate-indifference claim based on the alleged requirement that Meyers use an inhaler to which he was allergic.
2. Whether the complaint adequately alleged personal involvement by the individual defendants.
3. Whether the complaint adequately pleaded municipal or corporate liability against Centurion based on a policy or practice rather than respondeat superior.
4. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A.

HOLDINGS

1. The complaint failed to state an actionable deliberate-indifference claim because its sparse allegations did not adequately connect the defendants' conduct to the required objective and subjective components of an Eighth Amendment medical-care claim.
2. The complaint failed to state a claim against the individual defendants because it did not allege facts showing that they personally participated in or caused the alleged constitutional deprivation.
3. The complaint failed to state a claim against Centurion because it did not allege that a Centurion policy or practice caused the injury, and Centurion could not be held liable solely for its employees' actions.

KEY QUOTATIONS

“Enough facts must be provided to “state a claim for relief that is plausible on its face.”” (Section I)

“The official must know of and disregard an excessive risk to the inmate’s health; “the official 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.”” (Section III)

“Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and § 1915A.” (Disposition)

FACTUAL BACKGROUND

Meyers alleged that he was incarcerated at Western Illinois Correctional Center and had asthma for which he was prescribed a Xopenex inhaler. He alleged that nurses required him to use an albuterol sulfate inhaler, to which he claimed to be allergic, and that his medical records reflected allergies to latex and sulfate. He sued Centurion and several medical personnel but did not allege facts showing the individual defendants' personal involvement or that Centurion's policy or practice caused the asserted injury.

PROCEDURAL HISTORY

Meyers filed a § 1983 complaint alleging that prison medical personnel required him to use an albuterol inhaler to which he was allergic despite his prescription for a Xopenex inhaler and medical-recorded allergies. On merit review, the court dismissed the complaint without prejudice for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) and § 1915A, granting a final opportunity to amend within 30 days. The court warned that failure to timely amend, or submission of an amended complaint that still fails to state a claim, would result in dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649-51 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Wilson v. Ryker, 451 F. App'x 588, 589 (7th Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hayes v. Snyder, 546 F.3d 516, 522 (7th Cir. 2008)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Holloway v. Delaware Cnty. Sheriff, 700 F.3d 1063, 1073 (7th Cir. 2012)
- Vance v. Peters, 97 F.3d 987, 991 (7th Cir. 1996)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658, 691-92 (1978)
- McCauley v. City of Chi., 671 F.3d 611, 616 (7th Cir. 2011)
- Pacelli v. DeVito, 972 F.2d 871, 877 (7th Cir. 1992)

OPINION

Meyers

PER CURIAM.

IN THE

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF ILLINOIS

SPRINGFIELD DIVISION

LEVI MEYERS,

Plaintiff, v. Case No. 3:26-cv-03121-JEH CENTURION, et al., Defendants. Merit Review Order
Plaintiff, proceeding pro se, filed a Complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights while he was incarcerated at Western Illinois Correctional Center (“Western”). (Doc. 1). This case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A. I In reviewing the Complaint, the Court accepts the factual allegations as true, liberally construing them in Plaintiff’s favor. Turley v. Rednour, 729 F.3d 645, 649- 51 (7th Cir. 2013). However,

conclusory statements and labels are insufficient. Enough facts must be provided to “state a claim for relief that is plausible on its face.” *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir. 2013) (citation and internal quotation marks omitted). While the pleading standard does not require “detailed factual allegations,” it requires “more than an unadorned, the- defendant-unlawfully-harmed-me accusation.” *Wilson v. Ryker*, 451 F. App’x 588, 589 (7th Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). II Plaintiff files suit against Centurion, Healthcare Unit Administrator (“HCUA”) John Doe, Director of Nursing Wilkerson, Nurse Practitioner M. Law, and Dr. John Doe. Plaintiff alleges he has asthma and was prescribed a Xopenex inhaler. Plaintiff alleges the nurses at Western are forcing him to use an albuterol sulfate inhaler which he is allergic to. Plaintiff alleges his medical records state that he is allergic to latex and sulfate.

III

It is well established that deliberate indifference to a serious medical need is actionable as a violation of the Eighth Amendment. *Hayes v. Snyder*, 546 F.3d 516, 522 (7th Cir. 2008). A claim of deliberate indifference contains both an objective and a subjective component. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). To satisfy the objective component, a prisoner must demonstrate that his medical condition is “objectively, sufficiently serious.” *Id.* An objectively serious medical condition is one that “has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would perceive the need for a doctor’s attention.” *Hayes*, 546 F.3d at 522. To satisfy the subjective component, the inmate must demonstrate that the prison official acted with a “sufficiently culpable state of mind.” *Farmer*, 511 U.S. at 834. The official must know of and disregard an excessive risk to the inmate’s health; “the official 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.” *Id.* at 837. The prisoner must show that the defendant engaged in more than negligence and that the defendant’s conduct approached intentional wrongdoing or criminal recklessness. *Holloway v. Delaware Cnty. Sheriff*, 700 F.3d 1063, 1073 (7th Cir. 2012) (citing *Farmer*, 511 U.S. at 837). Plaintiff’s sparse allegations do not show how Defendants HCUA John Doe, Wilkerson, Dr. John Doe, and Law were personally involved in a constitutional deprivation. *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996) (“Section 1983 creates a cause of action based on personal liability and predicated upon fault; thus, liability does not attach unless the individual defendant caused or participated in a constitutional deprivation.”); *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Additionally, Plaintiff cannot sue Defendants HCUA John Doe and Director of Nursing Wilkerson just because they are in charge. *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009). Plaintiff names Centurion as a Defendant, but he does not claim that he was injured due to a policy or practice of Centurion. *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 691-92 (1978); see also *McCauley v. City of Chi.*, 671 F.3d 611, 616 (7th Cir. 2011) (to adequately plead *Monell* liability, allegations “must allow [the court] to draw the reasonable inference that the [defendant]

established a policy or practice” which caused the injury). Centurion may not be held accountable merely for the actions of its employees, as there is no respondeat superior liability under § 1983. *Pacelli v. DeVito*, 972 F.2d 871, 877 (7th Cir. 1992). Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and § 1915A. The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice. Plaintiff’s Amended Complaint will replace Plaintiff’s Complaint in its entirety. The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. IT IS THEREFORE ORDERED: 1) Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A. The Court will allow Plaintiff a final opportunity to file an Amended Complaint within 30 days of this Order. If Plaintiff fails to file a timely Amended Complaint, or if the Amended Complaint fails to state a claim for relief, his case will be dismissed with prejudice. Plaintiff’s Amended Complaint will replace Plaintiff’s Complaint in its entirety. The Amended Complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. 2) The Clerk is directed to send Plaintiff a blank Section 1983 complaint form. It is so ordered. Entered: June 15, 2026 s/Jonathan E. Hawley U.S. District Judge