

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

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

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