

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

**Freeman Cole v. Makayla R. Miller, Kristen M. Servais, Alicia M.
Dale, Advanced Correctional Healthcare, Inc., and La Crosse County
Sheriff's Dept.**

25-cv-858-wmc · No. 25-cv-858-wmc · Decided April 7, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin screened Freeman Cole’s 42 U.S.C. § 1983 complaint concerning alleged inadequate medical care, substantial weight loss, and allegedly harmful food while he was a pretrial detainee. The court dismissed the complaint without prejudice for failure to state a claim but granted leave to amend, and it denied or dismissed related requests for transfer, preliminary injunctive relief, and discovery. The court entered the order on April 6, 2026, setting May 6, 2026, as the deadline for an amended complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	April 7, 2026
DOCKET	25-cv-858-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se pretrial detainee's 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A, together with motions seeking transfer to federal custody, a preliminary injunction, and discovery.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens a prisoner complaint and dismisses it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Pro se allegations are construed under a less stringent standard, but must still contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Freeman Cole v. Makayla R. Miller, Kristen M. Servais, Alicia M. Dale, Advanced Correctional Healthcare, Inc., La Crosse County

TOPICS

section 1983 prisoners rights due process motions to dismiss injunctions

PRACTICE AREAS

civil rights constitutional law prisoner litigation civil procedure health law

QUESTIONS PRESENTED

1. Whether Cole's allegations of substantial weight loss and denial of hospital treatment or additional nutrition plausibly stated a Fourteenth Amendment pretrial-detainee conditions-of-confinement claim.
2. Whether Cole's allegation that he was being given food intended to harm him stated a claim under Federal Rule of Civil Procedure 8.
3. Whether the court could order Cole's transfer from state detention to federal custody or another county or state correctional facility.
4. Whether Cole could obtain discovery or compel production of purported evidence at the screening stage.

HOLDINGS

1. The complaint did not state a plausible constitutional claim because allegations of substantial weight loss alone, without facts concerning height, other adverse symptoms, serious suffering, or lasting harm, did not sufficiently establish a risk of serious harm or that defendants failed to take reasonable measures to abate that risk.
2. The allegation that Cole was being given something harmful in his food did not satisfy Federal Rule of Civil Procedure 8 because it was vague and did not identify the persons allegedly responsible for tampering with the food.
3. The court could not order a person detained for a state criminal charge to be transferred to a federal facility, another county jail, or a state correctional facility.
4. Cole could not compel production of purported evidence before the court determined that he could proceed on a viable claim; the discovery request was dismissed without prejudice as premature.

KEY QUOTATIONS

“the defendants did not take reasonable available measures to abate the risk of serious harm to [plaintiff], even though reasonable [providers] under the circumstances would have understood the high degree of risk involved, making the consequences of the defendants’ conduct obvious.” (at 572)

FACTUAL BACKGROUND

Freeman Cole was a pretrial detainee at the La Crosse County Jail. His recorded weight declined from 204.4 pounds on September 12, 2025, to 187.2 pounds on September 19, 178.1 pounds on September 26, and allegedly 168.9 pounds on February 24, 2026. He alleged that nurses denied requests for hospital treatment and additional

nutrition, and he speculated that someone was putting something harmful in his food, but he did not identify the alleged food tamperers or allege symptoms beyond weight loss.

PROCEDURAL HISTORY

Cole filed a § 1983 complaint alleging that jail medical personnel failed to respond appropriately to substantial weight loss and that he was being given food intended to harm him. He also filed motions seeking transfer to federal custody or another jail and requesting production of purported evidence. The court dismissed the complaint without prejudice, dismissed the preliminary-injunction motions with prejudice, dismissed the discovery motion without prejudice, and granted leave to amend by May 6, 2026.

DISPOSITION

other

CASES CITED

- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557 (2007)
- Gen. Elec. Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1080 (7th Cir. 1997)
- Miranda v. County of Lake, 900 F.3d 335, 350 (7th Cir. 2018)
- Smith v. Dart, 803 F.3d 304, 309 (7th Cir. 2015)
- Pittman v. Madison County, 108 F.4th 561, 572 (7th Cir. 2024)
- Freeman v. Berge, 441 F.3d 543, 547 (7th Cir. 2006)
- Prude v. Clarke, 675 F.3d 732, 734 (7th Cir. 2012)
- Simpson v. Vanlanen, No. 19-CV-1222, 2021 WL 4295315, at *4 (E.D. Wis. Sept. 21, 2021)

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