

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, ROCK ISLAND DIVISION

Hubert Putney v. Curtis Parsons, et al.

Putney v. Parsons · No. 4:25-cv-04216-SEM-DJQ · Decided May 11, 2026

SUMMARY

The United States District Court for the Central District of Illinois reviewed a pro se civil detainee's complaint under 28 U.S.C. § 1915. The court allowed excessive-force and Illinois intentional-infliction-of-emotional-distress claims to proceed against the named defendants, while dismissing the inadequate-medical-care and class-of-one equal-protection theories. The order directed service and provided case-management instructions.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Sue E. Myerscough
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	May 11, 2026
DOCKET	4:25-cv-04216-SEM-DJQ
DISPOSITION	other
PROCEDURAL POSTURE	Screening order in an in forma pauperis civil-rights action filed by a detained pro se plaintiff, entered before service of process.
STANDARD OF REVIEW	On in forma pauperis screening, the court must dismiss an action at any time if it is frivolous, malicious, or fails to state a claim. The court accepts factual allegations as true and liberally construes them in the plaintiff's favor, but conclusory statements and labels are insufficient; the allegations must state a claim that is plausible on its face.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated and metadata identifies it as unknown.
PARTIES	Hubert Putney v. Curtis Parsons, Jason Chenoweth, Downs, Michael Kerr, Joshua Cleavinger, Hendricks, Erin Posey, Does

TOPICS

pleadings

civil procedure

civil rights

prisoners rights

intentional infliction of emotional distress

PRACTICE AREAS

Civil rights

Civil procedure

Torts

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated a Fourteenth Amendment excessive-use-of-force claim against the named defendants.
2. Whether the allegations concerning transportation to a hospital stated a constitutionally inadequate-medical-care claim.
3. Whether the plaintiff could proceed on a class-of-one equal-protection theory when the alleged conduct was more directly addressed by the Fourteenth Amendment excessive-force provision.
4. Whether the complaint plausibly stated an Illinois intentional-infliction-of-emotional-distress claim against the named defendants.

HOLDINGS

1. The complaint stated a claim for excessive use of force against Parsons, Chenoweth, Downs, Kerr, Cleavinger, Hendricks, the Doe defendants, and Posey.
2. The complaint did not state a constitutional claim for inadequate medical care based solely on security staff transporting Putney to the hospital instead of using an ambulance.
3. The court excluded the class-of-one equal-protection theory because the Fourteenth Amendment excessive-use-of-force provision was the more appropriate constitutional cause of action.
4. The complaint adequately stated an intentional-infliction-of-emotional-distress claim under Illinois law against each named defendant.

KEY QUOTATIONS

“Courts must dismiss cases proceeding in forma pauperis “at any time” if the action is frivolous, malicious, or fails to state a claim, even if part of the filing fee has been paid.”

“Conclusory statements and labels are insufficient—the facts alleged must “state a claim for relief that is plausible on its face.””

FACTUAL BACKGROUND

Putney alleged that on October 2, 2025, another civil detainee became physically violent toward him and that he used force in self-defense. He alleged that, after he was detained in a separate area, the named security therapy aides repeatedly struck him without justification and used chemical agents, causing significant injuries, and that at least one defendant said the attack had been ordered by Assistant Program Director Erin Posey. Putney further alleged that he was transported to a hospital by security staff rather than by ambulance and that a nurse intended to request emergency transport.

PROCEDURAL HISTORY

Putney filed an action under 42 U.S.C. § 1983 and Illinois law while detained at the Rushville Treatment and Detention Facility and proceeding in forma pauperis. The court screened the operative complaint under 28 U.S.C. § 1915 before directing service. The court allowed excessive-use-of-force and intentional-infliction-of-emotional-distress claims to proceed, excluded the additional claims and parties, and ordered service by waiver.

DISPOSITION

other

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Kingsley v. Hendrickson, 135 S. Ct. 2466, 2473 (2015)
- Thayer v. Chiczewski, 705 F.3d 237, 255 (7th Cir. 2012)
- McGreal v. Village of Orland Park, 850 F.3d 308, 314 (7th Cir. 2017)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS ROCK ISLAND DIVISION HUBERT PUTNEY,)) Plaintiff,)) v.) 4:25-cv-04216-SEM-DJQ) CURTIS PARSONS, et al.,)) Defendants.) ORDER Plaintiff, proceeding pro se and detained in the Rushville Treatment and Detention Facility, proceeds in forma pauperis on the grounds of indigency. He is paying a reduced filing fee as determined under the Court’s procedure to address filing fees for impoverished civil detainees.

Courts must dismiss cases proceeding in forma pauperis “at any time” if the action is frivolous, malicious, or fails to state a claim, even if part of the filing fee has been paid. 28 U.S.C. § 1915(d) (2). Accordingly, this Court reviews the operative Complaint before directing service to ensure that a federal claim is stated and that the action is not frivolous or malicious.

The Court accepts the factual allegations as true, liberally construing them in the plaintiff’s favor. Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013). Conclusory statements and labels are insufficient—the facts alleged must “state a claim for relief that is plausible on its face.” Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013) (citation omitted).

Plaintiff names as Defendants Security Therapy Aides Curtis Parsons, Jason Chenoweth, Downs, Michael Kerr, Joshua Cleavinger, Hendricks, and Does, and Assistant Program Director Erin Posey. Plaintiff alleges that on October 2, 2025, another civil detainee became physically violent with him, and that Plaintiff had to use force to defend himself. Defendants detained Plaintiff in a separate area.

Defendants (aside from Posey) then struck Plaintiff repeatedly, without any justification, causing significant injuries to Plaintiff. They also used chemical agents on Plaintiff without any reason. Shortly before the attack on Plaintiff began, at least one Defendant stated that the beating had been ordered by Posey. Nurse Hocksack (not a Defendant) came to check on Plaintiff and indicated she intended to call for emergency transport to a hospital emergency room.

An unknown individual told Hocksack not to do so and that security staff would transport Plaintiff instead. Security staff then transported Plaintiff to a hospital where he was treated. Plaintiff states a claim for excessive use of force against the named Defendants. See *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2473 (2015). Regarding denial of medical care, Plaintiff alleges security staff transported Plaintiff to the hospital instead of using an ambulance.

There are no allegations that treatment was delayed, denied, or improper based on the transportation decision. These allegations do not state a claim for constitutionally inadequate medical care. Plaintiff also pursues a class-of-one equal protection claim. But courts have been cautioned not to proceed that way when another constitutional provision more clearly applies.

Thayer v. Chiczewski, 705 F.3d 237, 255 (7th Cir. 2012). Here, the Fourteenth Amendment's prohibition on the excessive use of force is the more correct constitutional cause of action. Plaintiff also seeks to pursue a claim for intentional infliction of emotional distress under Illinois law. He has adequately alleged that cause of action as to each of the named Defendants.

See *McGreal v. Village of Orland Park*, 850 F.3d 308, 314 (7th Cir. 2017). IT IS THEREFORE ORDERED: 1. Pursuant to its review, the Court finds that Plaintiff states a claim for excessive use of force and a claim for intentional infliction of emotional distress against Defendants Parsons, Jason Chenoweth, Downs, Michael Kerr, Joshua Cleavinger, Hendricks, Does, and Erin Posey.

Any additional claims and parties shall not be included in the case, except at the Court's discretion on motion and for good cause shown, or pursuant to Federal Rule of Civil Procedure 15. 2. This case is now in the process of service.

The plaintiff is advised to wait until counsel has appeared for the defendants before filing any motions, to give notice to the defendants and an opportunity to respond to those motions. Motions filed before defendants' counsel has filed an appearance will generally be denied as premature.

The plaintiff need not submit any evidence to the court at this time, unless otherwise directed by the court. 3. The court will attempt service on the defendants by mailing each defendant a waiver of service. If a defendant fails to sign and return a waiver of service to the clerk within thirty days after the waiver is sent, the court will take appropriate steps to effect formal service through the U.S. Marshals service on that defendant and will require that defendant to pay the full costs of formal service pursuant to Federal Rule of Civil Procedure 4(d)(2).

4. With respect to a defendant who no longer works at the address provided by the plaintiff, the entity for whom that defendant worked while at that address shall provide to the clerk said defendant's current work address, or, if not known, said defendant's forwarding address. This information shall be used only for effectuating service. Documentation of forwarding addresses shall be retained only by the clerk and shall not be maintained in the public docket nor disclosed by the clerk.

5. The defendants shall file an answer within 60 days of the date the waiver is sent by the clerk. A motion to dismiss is not an answer. The answer should include all defenses appropriate under the Federal Rules. The answer and subsequent pleadings shall be to the issues and claims stated in this opinion.

In general, an answer sets forth the defendants' positions. The court does not rule on the merits of those positions unless and until a motion is filed by the defendants. Therefore, no response to the answer is necessary or will be considered.

After the defendants have been served and have answered, the court will enter an order setting discovery and dispositive motion deadlines. 6. This district uses electronic filing, which means that, after defense counsel has filed an appearance, defense counsel will automatically receive electronic notice of any motion or other paper filed by the plaintiff with the clerk.

The plaintiff does not need to mail to defense counsel copies of motions and other papers that the plaintiff has filed with the clerk. However, this does not apply to discovery requests and responses. Discovery requests and responses are NOT filed with the clerk.

The plaintiff must mail discovery requests and responses directly to counsel for the appropriate defendant. Discovery requests or responses sent to the clerk will be returned unfiled unless they are attached to and the subject of a motion to compel. Discovery does not begin until the court has entered a scheduling order, which will explain the discovery process in more detail.

7. Counsel for the defendants is hereby granted leave to depose the plaintiff. Counsel for the defendants shall arrange the time for the deposition. 8. The plaintiff shall immediately notify the court, in writing, of any change in mailing address and telephone number.

The plaintiff's failure to notify the court of a change in mailing address or phone number will result in dismissal of this lawsuit. 9. The clerk is directed to enter the standard qualified protective order pursuant to the Health Insurance Portability and Accountability Act. Entered this 11th day of May, 2026. s/Sue E. Myerscough SUE E. MYERSCOUGH UNITED STATES DISTRICT JUDGE