

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Robert S. McGill, Jr. v. Ross Bergman and John Doe

McGill v. Bergman, No. 25-cv-02153-JPG (S.D. Ill. Mar. 19, 2026) · No. 25-cv-02153-JPG · Decided March 19, 2026

SUMMARY

The United States District Court for the Southern District of Illinois conducts preliminary screening of Robert S. McGill Jr.'s 42 U.S.C. § 1983 complaint concerning alleged excessive force during his arrest. The court allows the Fourth Amendment excessive-force claim to proceed against Officer Ross Bergman but dismisses the claim against Officer John Doe without prejudice and terminates Doe as a party. The order is dated March 19, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	J. Phil Gilbert
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 19, 2026
DOCKET	25-cv-02153-JPG
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens a prisoner complaint and dismisses any portion that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant; pro se allegations are liberally construed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert S. McGill, Jr. v. Ross Bergman, John Doe

TOPICS

- police misconduct
- prisoners rights
- section 1983
- constitutional law
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether McGill's allegations that Ross Bergman kicked him, knocked him down, and struck him after he complied with an arrest command stated a Fourth Amendment excessive-force claim.
2. Whether McGill stated a Fourth Amendment excessive-force or failure-to-intervene claim against John Doe based only on the allegation that Doe took him to jail.

HOLDINGS

1. Yes. Allegations that Bergman kicked McGill in the groin, knocked him to the ground, and hit him in the eye after McGill complied with the order to raise his hands articulated a Fourth Amendment excessive-force claim sufficient to proceed past screening.
2. No. The complaint failed to state an excessive-force or failure-to-intervene claim against John Doe because it alleged only that Doe took McGill to jail and did not allege that Doe used force or failed to prevent Bergman's force.

KEY QUOTATIONS

“right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.”

“totality of the circumstances to determine whether the intrusion on the citizen's Fourth Amendment interests was justified by the countervailing government interests at stake.”

FACTUAL BACKGROUND

McGill alleged that Harrisburg police officers arrested him on May 2, 2025, after ordering him to raise his hands. He alleged that, after he complied, Ross Bergman kicked him in the groin, knocked him to the ground, and struck him in the eye. McGill alleged only that John Doe took him to jail, without alleging that Doe used force or failed to intervene.

PROCEDURAL HISTORY

McGill filed a pro se complaint under 42 U.S.C. § 1983 alleging that two Harrisburg police officers used excessive force during his arrest. On preliminary review, the court allowed the Fourth Amendment excessive-force claim to proceed against Ross Bergman, dismissed the claim against John Doe without prejudice for failure to state a claim, terminated Doe as a party, and directed service on Bergman.

DISPOSITION

other

CASES CITED

- *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 821 (7th Cir. 2009)

- *Graham v. Connor*, 490 U.S. 386, 396 (1989)
- *Jacobs v. City of Chi.*, 215 F.3d 758, 773 (7th Cir. 2000)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)

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