

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

**Jeremiah Bradfield, individually and as representative of the Estate
of Eddie James Bradfield v. OSF St. Mary Medical Center, Galesburg
Hospital Ambulance Service, Galesburg Fire Department, John Doe
EMT #1, John Doe EMT #2, John Doe EMT #3, and John/Jane Does
1-10**

Bradfield · No. 4:26-cv-04103-SLD-RLH · Decided May 5, 2026

SUMMARY

The United States District Court for the Central District of Illinois grants Jeremiah Bradfield leave to proceed in forma pauperis in an action arising from Eddie James Bradfield’s death. The court dismisses the Illinois Survival Act count as not creating an independent cause of action and addresses the requirement that estate and wrongful-death claims be brought by counsel when multiple beneficiaries or next of kin are involved. Plaintiff is ordered to identify whether the decedent died intestate and to identify the relevant beneficiaries and next of kin.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Sara Darrow
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	May 5, 2026
DOCKET	4:26-cv-04103-SLD-RLH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil action and moved to proceed in forma pauperis. The district court screened the complaint and ruled on the IFP motion.
STANDARD OF REVIEW	The court screened the complaint in connection with the application to proceed in forma pauperis; no separate appellate standard of review was stated.
PRECEDENTIAL VALUE	unknown

TOPICS

civil procedure

probate procedure

estate litigation

section 1983

health law

PRACTICE AREAS

civil procedure

civil rights

probate

health law

torts

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated eligibility to proceed in forma pauperis.
2. Whether the Illinois Survival Act creates an independent cause of action.
3. Whether a pro se plaintiff may litigate claims belonging to a decedent's estate when the plaintiff is not the estate's sole beneficiary.
4. Whether a pro se plaintiff may bring an Illinois Wrongful Death Act claim that represents the interests of multiple surviving beneficiaries or next of kin.
5. What information Plaintiff must provide concerning the decedent's will, estate beneficiaries, and next of kin before the action may proceed.

HOLDINGS

1. Plaintiff may proceed in forma pauperis because his sworn affidavit demonstrated that he was unable to pay the costs of the proceeding.
2. The Illinois Survival Act does not create an independent cause of action; it permits a representative of a decedent to maintain statutory or common-law actions that accrued before death.
3. A pro se plaintiff may not represent an estate in court unless he is the estate's only beneficiary.
4. A plaintiff bringing an Illinois Wrongful Death Act claim represents the interests of the surviving spouse and next of kin and therefore cannot proceed pro se when the claim involves interests of persons other than the plaintiff, absent circumstances such as the plaintiff being the sole next of kin.

KEY QUOTATIONS

“It ‘allows a representative of the decedent to maintain those statutory or common-law actions that had already accrued to the decedent before he or she died.’” (at 2)

“However, any surviving claims belong to Decedent’s estate. And a pro se plaintiff—that is, a person without a lawyer—cannot represent an estate in court unless he is the only beneficiary of the estate.” (at 2–3)

“Because a plaintiff bringing a Wrongful Death Act claim represents the interests of the surviving spouse and next of kin, he cannot bring the claim pro se, presumably unless he is the sole next of kin.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged claims arising from Eddie James Bradfield's death on December 5, 2025, including constitutional, federal statutory, Illinois wrongful-death, medical-malpractice, and Survival Act claims. Plaintiff alleged that he was the court-appointed representative of the decedent's estate. Documents attached to the

complaint indicated that Plaintiff and the decedent's brother had authority to represent the estate and that the decedent's mother was his closest next of kin, suggesting that Plaintiff was not the estate's sole beneficiary or the decedent's sole next of kin.

PROCEDURAL HISTORY

Jeremiah Bradfield sued the medical center, ambulance service, fire department, unidentified emergency medical personnel, and unidentified defendants concerning the death of Eddie James Bradfield. The district court granted leave to proceed in forma pauperis, dismissed the Illinois Survival Act count because the Act does not create an independent cause of action, and directed Plaintiff to provide information concerning the decedent's will, estate beneficiaries, and next of kin before proceeding further.

DISPOSITION

other

CASES CITED

- Moon v. Rhode, 67 N.E.3d 220, 226 (Ill. 2016)
- Bennett v. Tucker, 827 F.2d 63, 67–68 (7th Cir. 1987)
- Malone v. Nielson, 474 F.3d 934, 937 (7th Cir. 2007)
- Rodgers v. Cook County, 998 N.E.2d 164, 172 (Ill. App. Ct. 2013)
- In re IFC Credit Corp., 663 F.3d 315, 318 (7th Cir. 2011)
- In re Estate of Finley, 601 N.E.2d 699, 701 (Ill. App. Ct. 1992)

OPINION

Bradfield
PER CURIAM.
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION
JEREMIAH BRADFIELD, individually and) as representative of the ESTATE OF EDDIE)
JAMES BRADFIELD,)
) Plaintiff,)) v.) Case No. 4:26-cv-04103-SLD-RLH)
OSF ST. MARY MEDICAL CENTER,)
GALESBURG HOSPITAL AMBULANCE)
SERVICE, GALESBURG FIRE)
DEPARTMENT, JOHN DOE EMT #1,)
JOHN DOE EMT #2, JOHN DOE EMT # 3,)
JOHN/JANE DOES 1-10,)
) Defendants.)

ORDER

Plaintiff Jeremiah Bradfield, individually and as representative of the Estate of Eddie James Bradfield, files suit against Defendants arising out of Eddie James Bradfield's ("Decedent") death on December 5, 2025. See generally Compl., ECF No. 1. The matter comes before the Court for ruling on Plaintiff's motion for leave to proceed in forma pauperis ("IFP"), ECF No. 2, and for screening of the complaint. For the reasons that follow, the motion for leave to proceed IFP is GRANTED and Plaintiff is ORDERED to provide a statement identifying the beneficiaries of Decedent's estate and Decedent's next of kin. I. Motion for Leave to Proceed IFP Plaintiff moves to proceed IFP pursuant to 28 U.S.C. § 1915(a)(1). He submitted an affidavit signed under penalty of perjury which demonstrates that he is unable to pay the costs of the proceeding. IFP Mot. 1–5. His motion to proceed IFP, therefore, is GRANTED. II. Review of Complaint Plaintiff brings the following claims: 1) that Defendants violated Decedent's constitutional right to equal protection; 2) that Defendants violated Decedent's constitutional right to due process; 3) that Defendants violated Decedent's right to equal treatment under 42 U.S.C. § 2000d; 4) that Defendants violated Decedent's rights under the Emergency Medical Treatment and Labor Act ("EMTALA"), 42 U.S.C. § 1395dd; 5) a claim under Illinois's Wrongful Death Act, 740 ILCS 180/0.01–2.2; 6) medical malpractice under Illinois common law; and 7) a claim under the Illinois Survival Act, 755 ILCS 5/27-6. Compl. 17–18. Plaintiff largely seeks to bring claims based on violation of Decedent's rights rather than his own rights. The Illinois Survival Act provides that certain state law causes of action, including actions for personal injury, survive an individual's death. 755 ILCS 5/27-6. It "allows a representative of the decedent to maintain those statutory or common-law actions that had already accrued to the decedent before he or she died." *Moon v. Rhode*, 67 N.E.3d 220, 226 (Ill. 2016). Plaintiff's count 7 is DISMISSED because the Illinois Survival Act does not create its own cause of action. *Id.* Counts 1 through 4 and 6, to the extent they seek damages for violation of Decedent's rights before he died, can only be brought if they survived Decedent's death. "Federal law governs whether a federal claim survives." *Bennett v. Tucker*, 827 F.2d 63, 67 (7th Cir. 1987). But federal courts look to state law to determine whether a claim survives. See *id.* The Illinois medical malpractice claim certainly survives under 755 ILCS 5/27-6 as an action for personal injury. The Seventh Circuit has held that, in Illinois, § 1983 claims survive an individual's death. *Malone v. Nielson*, 474 F.3d 934, 937 (7th Cir. 2007). The EMTALA and § 2000d claims may also survive as analogous to personal injury actions. Cf. *Bennett*, 827 F.2d at 67–68 (noting that to determine whether a federal claim survives, the court looks to state law and considering what type of state law claim to analogize a § 1983 claim to). However, any surviving claims belong to Decedent's estate. And a pro se plaintiff—that is, a person without a lawyer—cannot represent an estate in court unless he is the only beneficiary of the estate. See *Malone*, 474 F.3d at 937 ("[A]dministrators [of an estate] do not act on behalf of themselves, but on behalf of all of the beneficiaries of an estate."); see 28 U.S.C. § 1654 (providing that a party may only "plead and conduct [his] own cases personally or by counsel"). Plaintiff alleges that he is the

court-appointed representative of Decedent's estate. Compl. 3. This suggests that Decedent died intestate (meaning without a will). State law sets the rules for distribution of an intestate estate. See 755 ILCS 5/2-1. Plaintiff attached to his complaint a letter indicating that he and Decedent's brother Archie Bradfield have the authority to "[r]epresent the estate and family in all matters" and an authorization for release of medical records that is signed by Catherine Bradfield who is identified as "the mother and closest next of kin of" Decedent. Documents 1–2, ECF No. 1-1. These documents strongly imply that Plaintiff is not the sole beneficiary of Decedent's estate. The Illinois Wrongful Death Act provides a cause of action for damages when a person's death is "caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the [deceased] to maintain an action and recover damages." 740 ILCS 180/1; see *Rodgers v. Cook County*, 998 N.E.2d 164, 172 (Ill. App. Ct. 2013) ("[T]he Wrongful Death Act covers injuries suffered by the next of kin because of and after the decedent's death . . ."). Wrongful death claims must be brought "by and in the names of the personal representatives of [the] deceased person," but the amount recovered in the suit is "for the exclusive benefit of the surviving spouse and next of kin of such deceased person." 740 ILCS 180/2(a). Because a plaintiff bringing a Wrongful Death Act claim represents the interests of the surviving spouse and next of kin, he cannot bring the claim pro se, presumably unless he is the sole next of kin. See *In re IFC Credit Corp.*, 663 F.3d 315, 318 (7th Cir. 2011) ("[I]ndividuals are permitted to litigate pro se, though not to represent other litigants . . ."). "[N]ext of kin,' for purposes of the Wrongful Death Act, are those blood relatives of decedent in existence at decedent's death who would take decedent's property if decedent had died intestate." *In re Estate of Finley*, 601 N.E.2d 699, 701 (Ill. 1992). If Decedent died intestate, then, the beneficiaries of his estate and his next of kin for purposes of the Wrongful Death Act are the same. The documents attached to Plaintiff's complaint seem to confirm that Plaintiff is not Decedent's sole next of kin. If that is the case, he cannot bring this claim pro se.

CONCLUSION

For the foregoing reasons, Plaintiff Jeremiah Bradfield's motion for leave to proceed in forma pauperis, ECF No. 2, is GRANTED. Plaintiff is DIRECTED to file by May 26, 2026, a statement identifying: 1) whether Decedent Eddie James Bradfield died without a will; 2) the family members who would be beneficiaries of Decedent's estate under 755 ILCS 5/2-1; and 3) if Decedent had a will, the beneficiaries of his estate under the will. Entered this 5th day of May, 2026. s/ Sara Darrow

SARA DARROW

UNITED STATES DISTRICT JUDGE