

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Wynton Stewart v. Jose Ferral

Wynton Stewart v. Jose Ferral · No. 24 CV 9999 · Decided April 1, 2026

SUMMARY

The United States District Court for the Northern District of Illinois granted Officer Jose Ferral’s motion for summary judgment in Wynton Stewart’s 42 U.S.C. § 1983 action. The court held that Stewart failed to establish a sufficiently specific risk or causation for his Fourteenth Amendment failure-to-protect claim. It also held that Ferral’s restraint of Stewart after Stewart swung toward another detainee was objectively reasonable and, alternatively, protected by qualified immunity.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Lindsay C. Jenkins
JURISDICTION	United States District Court for the Northern District of Illinois
DECIDED	April 1, 2026
DOCKET	24 CV 9999
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on the plaintiff’s 42 U.S.C. § 1983 failure-to-protect and excessive-force claims.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the evidence in the light most favorable to Stewart, but treated clear video evidence as controlling where no reasonable disagreement existed about what it depicted. For the excessive-force claim, objective reasonableness was assessed from the perspective of a reasonable officer on the scene. Qualified immunity required Stewart to show both a constitutional violation and a clearly established right.
PRECEDENTIAL VALUE	Unreported federal district court memorandum opinion; precedential status is not stated.

PARTIES

Wynton Stewart v. Jose Ferral

TOPICS

summary judgment

section 1983

prisoners rights

qualified immunity

civil rights

PRACTICE AREAS

civil rights

constitutional law

prisoner civil rights

summary judgment

QUESTIONS PRESENTED

1. Whether Ferral failed to protect Stewart from detainee violence in violation of the Fourteenth Amendment by not calling for backup immediately.
2. Whether Ferral used objectively unreasonable force against Stewart when restraining him after Stewart swung toward another detainee.
3. Whether Ferral was entitled to qualified immunity on the excessive-force claim.

HOLDINGS

1. Summary judgment was proper because Stewart identified only a general risk of violence, rather than a risk specific to him, and therefore failed to satisfy the Fourteenth Amendment failure-to-protect standard.
2. Summary judgment was independently proper because Stewart could not establish that Ferral's failure to call backup caused Stewart's injuries.
3. The force Ferral used to restrain Stewart was objectively reasonable under the circumstances and did not constitute excessive force under the Fourteenth Amendment.
4. Ferral was alternatively entitled to qualified immunity because Stewart failed to identify clearly established precedent showing that the particular use of force violated a constitutional right.

KEY QUOTATIONS

"More is needed, and so Stewart's failure-to-protect claim fails as a matter of law."

"Given these circumstances, the court concludes that a reasonable officer would not find this use of force objectively unreasonable."

"Ferral's motion for summary judgment is granted."

FACTUAL BACKGROUND

Stewart, a pretrial detainee at the Cook County Department of Corrections, became involved in a multi-detainee brawl after initially standing apart from the fighting. Officer Ferral radioed for backup approximately twenty-five seconds after the brawl began, and Stewart was injured during the altercation, sustaining a superficial scalp stab wound, scalp contusions, and superficial abrasions. After the brawl was broken up, Stewart stepped out of line and swung toward another detainee while Ferral was escorting that detainee; Ferral restrained Stewart,

placing one or both hands near Stewart's neck for several seconds. Medical records described Stewart's neck as supple, with the trachea midline and no tenderness.

PROCEDURAL HISTORY

Stewart, a pretrial detainee proceeding pro se, sued correctional officer Jose Ferral under 42 U.S.C. § 1983. After discovery and the parties' Local Rule 56.1 submissions, Ferral moved for summary judgment. The court granted the motion in full, concluding that Stewart could not establish a constitutionally actionable failure-to-protect claim and that the force used was objectively reasonable; alternatively, qualified immunity barred the excessive-force claim.

DISPOSITION

other

CASES CITED

- Frazier-Hill v. Chicago Transit Authority, 75 F.4th 797, 801 (7th Cir. 2023)
- Kirsch v. Brightstar Corp., 78 F. Supp. 3d 676, 697 (N.D. Ill. 2015)
- Kailin v. Village of Gurnee, 77 F.4th 476, 481 (7th Cir. 2023)
- Mendez v. City of Chicago, 160 F.4th 888, 892 (7th Cir. 2025)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Birch|Rea Partners, Inc. v. Regent Bank, 27 F.4th 1245, 1249 (7th Cir. 2022)
- Lesiv v. Illinois Central Railroad Co., 39 F.4th 903, 911 (7th Cir. 2022)
- Weaver v. Champion Petfoods USA Inc., 3 F.4th 927, 934 (7th Cir. 2021)
- Thomas v. Dart, 39 F.4th 835, 841-43 (7th Cir. 2022)
- Kemp v. Fulton County, 27 F.4th 491, 496 (7th Cir. 2022)
- Brown v. Budz, 398 F.3d 904, 909 (7th Cir. 2005)
- Weiss v. Cooley, 230 F.3d 1027, 1032 (7th Cir. 2000)
- Schmees v. HC1.COM, Inc., 77 F.4th 483, 489-90 (7th Cir. 2023)
- Chessie Logistics Co. v. Krinos Holdings, Inc., 867 F.3d 852, 860 (7th Cir. 2017)
- Ollison v. Gossett, 136 F.4th 729, 744 (7th Cir. 2025) (Kirsch, J., concurring)
- Marski v. Courier Express One, Inc., 2021 WL 4459512, at *14 (N.D. Ill. Sept. 29, 2021)
- Hunter v. Mueske, 73 F.4th 561, 568-69 (7th Cir. 2023)
- Buckman v. Halsey, 2021 WL 4127067 (11th Cir. Sept. 10, 2021)
- Kingsley v. Hendrickson, 576 U.S. 389, 396-97 (2015)
- Maves v. Thompson, 136 F.4th 697, 705 (7th Cir. 2025)
- Harris v. Ealey, 2021 WL 5823513, at *4-*5 (N.D. Ill. Dec. 8, 2021)
- Cyrus v. Town of Mukwonago, 624 F.3d 856, 862 (7th Cir. 2010)

- Dockery v. Blackburn, 911 F.3d 458, 464, 466 (7th Cir. 2018)
- Abbott v. Sangamon County, 705 F.3d 706, 723-25 (7th Cir. 2013)
- Sinn v. Lemmon, 911 F.3d 412, 418 (7th Cir. 2018)
- Ashcroft v. al-Kidd, 563 U.S. 731, 735 (2011)
- White v. Pauly, 580 U.S. 73, 79 (2017)
- Armstrong v. Daily, 786 F.3d 529, 538 (7th Cir. 2015)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Thomas v. Carmichael, 164 F.4th 1058, 1066 (7th Cir. 2026)