

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Da’Nate Lowe v. Middaugh, et al.

No. 2:26-cv-00228-JRO-MJD · No. 2:26-cv-00228-JRO-MJD · Decided June 17, 2026

SUMMARY

The Southern District of Indiana screens and dismisses Da’nate Lowe’s prisoner civil-rights complaint concerning pain allegedly caused when a dentist numbed the wrong side of his mouth during a dental procedure. The court concludes that Lowe failed to allege a Monell claim against Centurion or deliberate indifference by Dr. Middaugh under the Eighth Amendment. The court permits Lowe to file an amended complaint by July 15, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	June 17, 2026
DOCKET	2:26-cv-00228-JRO-MJD
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights complaint screened before service under 28 U.S.C. § 1915A. The court dismissed the complaint for failure to state a claim but granted the plaintiff an opportunity to file an amended complaint.
STANDARD OF REVIEW	At screening under 28 U.S.C. § 1915A, the court applies the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded factual allegations as true and determining whether the complaint states a plausible claim for relief. Pro se pleadings are construed liberally.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Da’Nate Lowe v. Middaugh, Centurion

TOPICS

- prisoners rights
- section 1983
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

medical care

QUESTIONS PRESENTED

1. Whether the complaint stated a viable claim against Centurion under 42 U.S.C. § 1983 based on municipal-liability principles.
2. Whether the alleged administration of anesthetic on the wrong side of Lowe's mouth stated an Eighth Amendment deliberate-indifference claim against Dr. Middaugh.
3. Whether Lowe should be allowed to amend his complaint after dismissal at the pleading-screening stage.

HOLDINGS

1. The complaint failed to state a claim against Centurion because Lowe did not allege that the incident resulted from a Centurion policy, practice, custom, or action by a final decisionmaker.
2. The complaint failed to state an Eighth Amendment medical-care claim because an alleged mistake in administering anesthetic, without allegations that Middaugh was subjectively aware of and deliberately disregarded a serious medical risk, was insufficient to establish deliberate indifference.
3. The court dismissed the complaint but allowed Lowe to file an amended complaint because amendment at this early stage would not necessarily be futile and justice favored an opportunity to correct the pleading.

KEY QUOTATIONS

"When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief."

"This is not enough to raise an inference that Dr. Middaugh was subjectively aware of Lowe's pain during the procedure and was deliberately indifferent to it."

"The amended complaint will completely replace the original."

FACTUAL BACKGROUND

Lowe, an incarcerated person, alleged that Dr. Middaugh administered a dental anesthetic injection to the right side of Lowe's mouth even though the procedure was to occur on the left side. Lowe alleged that he experienced excruciating pain and that Middaugh admitted making a mistake, apologized, and said Lowe would not be billed. Lowe also sued Centurion but alleged no policy, practice, or custom connecting Centurion to the incident.

PROCEDURAL HISTORY

Lowe filed a pro se complaint alleging that Dr. Middaugh and Centurion violated his Eighth Amendment rights during a dental procedure at Wabash Valley Correctional Facility. Before service, the district court screened the complaint under 28 U.S.C. § 1915A and concluded that the allegations did not state a viable claim against either defendant. The court dismissed the complaint without presently dismissing the action and permitted Lowe to file an amended complaint by July 15, 2026.

DISPOSITION

other

CASES CITED

- Schillinger v. Kiley, 954 F.3d 990, 993 (7th Cir. 2020)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Cesal v. Moats, 851 F.3d 714, 720 (7th Cir. 2017)
- Lisby v. Henderson, 74 F.4th 470, 472 (7th Cir. 2023)
- Larry v. Goldsmith, 799 F. App'x 413, 416 (7th Cir. 2016)
- Clancy v. Office of Foreign Assets Control of U.S. Department of Treasury, 559 F.3d 595, 606-07 (7th Cir. 2009)
- Dean v. Wexford Health Sources, Inc., 18 F.4th 214, 235 (7th Cir. 2021)
- Monell v. Department of Social Services, 436 U.S. 658 (1978)
- Levy v. Marion County Sheriff, 940 F.3d 1002, 1010 (7th Cir. 2019)
- Thomas v. Blackard, 2 F.4th 716, 721-22 (7th Cir. 2021)
- Johnson v. Dominguez, 5 F.4th 818, 824 (7th Cir. 2021)
- Whiting v. Wexford Health Sources, Inc., 839 F.3d 658, 662 (7th Cir. 2016)
- Huber v. Anderson, 909 F.3d 201, 208 (7th Cir. 2018)
- Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018)
- Tate v. SCR Medical Transportation, 809 F.3d 343, 346 (7th Cir. 2015)
- Luevano v. Wal-Mart, 722 F.3d 1014 (7th Cir. 2013)
- Beal v. Beller, 847 F.3d 897, 901 (7th Cir. 2017)

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