

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Raymond J. Bergeron Davila v. Sarah A. Boyea, et al.

Boyea · No. 25-cv-413-pp · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Raymond J. Bergeron Davila leave to proceed without prepaying the filing fee and screens his 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. The court permits Eighth Amendment medical-care and excessive-force claims to proceed against several prison officials, dismisses certain Doe defendants for lack of personal involvement, and orders service and payment of the remaining filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Pamela Pepper
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 29, 2025
DOCKET	25-cv-413-pp
DISPOSITION	other
PROCEDURAL POSTURE	A formerly incarcerated, self-represented plaintiff filed a 42 U.S.C. § 1983 complaint and moved for leave to proceed without prepaying the filing fee. The district court granted leave, screened the complaint under the Prison Litigation Reform Act, allowed several Eighth Amendment claims to proceed, and dismissed certain Doe defendants for lack of alleged personal involvement.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens the complaint and applies the Federal Rule of Civil Procedure 12(b)(6) standard, accepting well-pleaded factual allegations as true and determining whether they state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Raymond J. Bergeron Davila v. Sarah A. Boyea, Jay Van Lanen, Christopher Stevens, Michael Schultz, Howath, Carmen VandenBush, Kendra Race, Does

TOPICS

section 1983 prisoners rights civil rights pleadings service of process

PRACTICE AREAS

prisoner civil rights federal civil procedure constitutional torts filing fees and in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged Eighth Amendment deliberate-indifference claims based on the alleged denial or delay of treatment for the plaintiff's injured arm.
2. Whether the complaint plausibly alleged Eighth Amendment claims against officials who allegedly placed or kept the plaintiff in a restraint bed despite knowledge that it aggravated his injury.
3. Whether the complaint plausibly alleged an Eighth Amendment claim based on Lieutenant Howath's alleged forced removal of metal from the plaintiff's arm.
4. Whether the complaint plausibly alleged an Eighth Amendment excessive-force claim based on officers' use of rear handcuffing during the escort to the medical unit.
5. Whether the complaint stated claims against ACP Does 1-2 and Does 2-4 despite not alleging their personal involvement.

HOLDINGS

1. The complaint plausibly alleged that the plaintiff had an objectively serious arm injury and that VandenBush was deliberately indifferent by failing to provide treatment or refer him for treatment; the claim may proceed.
2. The complaint plausibly alleged Eighth Amendment medical-care claims against Van Lanen, Boyea, Stevens, and Schultz based on placing or authorizing the plaintiff's placement in a restraint bed for hours instead of treating his injured arm.
3. The plaintiff may proceed against Boyea, Stevens, and Schultz for allegedly ordering removal of the metal or continued restraint, and against Howath for the manner in which he removed the metal from the plaintiff's arm.
4. The plaintiff may proceed on an Eighth Amendment excessive-force claim against Race, Van Lanen, and Does 5-10 based on allegations that they unnecessarily forced his injured arm to straighten during handcuffing and caused severe pain.
5. The claims against ACP Does 1-2 and Does 2-4 were dismissed because the complaint did not allege that those defendants personally participated in the asserted constitutional deprivations.

KEY QUOTATIONS

"A claim has facial plausibility when the plaintiff pleads factual content that allows a court to draw the reasonable inference that the defendant is liable for the misconduct alleged." (II.A)

“The plaintiff may proceed on an Eighth Amendment medical care claim against VandenBush for not providing medical care for the plaintiff’s arm and/or not referring him to another medical provider to treat his arm.” (II.C)

“The court DISMISSES defendants ACP Does 1-2 and Does 2-5.” (III)

FACTUAL BACKGROUND

While housed in restrictive housing on suicide watch at Green Bay Correctional Institution, the plaintiff injured his arm by inserting a sharpened piece of metal cable into it. He alleged that Nurse Carmen VandenBush refused to remove the metal or arrange hospital treatment, and that correctional and supervisory defendants placed him in a restraint bed for approximately eleven hours despite knowing that the restraint aggravated his injury. He further alleged that Lieutenant Howath removed the metal with medical scissors, tweezers, and saline after threatening to extend the restraint, and that officers handcuffed him behind his back during an escort in a manner that caused severe pain.

PROCEDURAL HISTORY

The plaintiff filed the complaint and an application to proceed without prepaying the filing fee. The court ordered an initial partial filing fee of \$5, received that payment, granted the application, and conducted mandatory screening under 28 U.S.C. § 1915A. The court dismissed ACP Does 1-2 and Does 2-5, directed service on the remaining defendants, and ordered a responsive pleading within sixty days.

DISPOSITION

other

CASES CITED

- *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017)
- *Booker-El v. Superintendent, Ind. State Prison*, 668 F.3d 896, 899 (7th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *D.S. v. E. Porter Cnty. Sch. Corp.*, 799 F.3d 793, 798 (7th Cir. 2015)
- *Buchanan–Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009)
- *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)
- *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)
- *Arnett v. Webster*, 658 F.3d 742, 750-51 (7th Cir. 2011)
- *Gomez v. Randle*, 680 F.3d 859, 865 (7th Cir. 2012)
- *Roe v. Elyea*, 631 F.3d 843, 857 (7th Cir. 2011)
- *Gutierrez v. Peters*, 111 F.3d 1364, 1373-74 (7th Cir. 1997)
- *Brown v. LaVoie*, 90 F.4th 1206, 1212-13 (7th Cir. 2024)
- *Snipes v. DeTella*, 95 F.3d 586, 591 (7th Cir. 1996)

- Walker v. Benjamin, 293 F.3d 1030, 1039-40 (7th Cir. 2002)
- Whitaker v. Dempsey, 144 F.4th 908, 922 (7th Cir. 2025)
- Whitley v. Albers, 475 U.S. 312, 319 (1986)
- Forrest v. Prine, 620 F.3d 739, 744 (7th Cir. 2010)
- Hudson v. McMillian, 503 U.S. 1, 7 (1992)
- Gentry v. Duckworth, 65 F.3d 555, 561 (7th Cir. 1995)

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