

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

Alberto Ruiz v. Tyrone L. Baker

Ruiz · No. 26-4030 · Decided June 16, 2026

SUMMARY

The court conducted a merit review under 28 U.S.C. § 1915A of Alberto Ruiz’s pro se § 1983 claims concerning extreme heat in his prison cell and the denial of permission to purchase a fan. The court dismissed the complaint for failure to state a claim, finding insufficient allegations that Warden Tyrone L. Baker was personally involved or deliberately indifferent to a serious risk of harm, but granted leave to amend within 30 days. The court also denied Ruiz’s motion for appointed counsel with leave to renew.

OPINION

Ruiz

PER CURIAM.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

ALBERTO RUIZ,)

) Plaintiff,)) v.) 26-4030)

TYRONE L. BAKER,)

) Defendant.)

MERIT REVIEW ORDER

Plaintiff, proceeding pro se and presently incarcerated at Western Illinois Correctional Center, was granted leave to proceed in forma pauperis. The case is now before the Court for a merit review of Plaintiff’s claims. The Court must “screen” Plaintiff’s complaint, and through such process to identify and dismiss any legally insufficient claim, or the entire action if warranted. 28 U.S.C. § 1915A. A claim is legally insufficient if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.* The Court accepts the factual allegations as true, liberally construing them in the plaintiff’s favor. *Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). Conclusory statements and labels are insufficient—the facts alleged must “state a claim for relief that is plausible on its face.” *Alexander v. U.S.*, 721 F.3d 418, 422 (7th Cir. 2013) (citation omitted). Plaintiff alleges that he experienced “extreme heat” in his cell. Plaintiff alleges that he wrote two letters to Defendant Baker, the warden, in June 2024 asking permission to purchase a fan pursuant to a Warden’s

Bulletin allegedly in effect at the time. Plaintiff alleges that he also wrote grievances on the issue. Plaintiff alleges that in late June he fell while getting down from the top bunk after becoming dizzy. He alleges that he hit his head, suffered a two-inch long laceration, and required five staples to treat the wound. A prison official violates the Eighth Amendment if he or she denies a prisoner his or her basic human needs, but only if the official is aware of and deliberately indifferent to an objectively serious risk of harm. *Townsend v. Fuchs*, 522 F.3d 765, 773 (7th Cir. 2008). The conditions at issue must be “sufficiently serious” such that “a prison official’s act or omission result[ed] in the denial of the minimal civilized measure of life’s necessities.” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Prison conditions may be uncomfortable and harsh without violating the Constitution. *Dixon v. Godinez*, 114 F.3d 640, 642 (7th Cir. 1997). A prison official acts with deliberate indifference when “the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). Assuming the temperature in Plaintiff’s cell was an objectively serious deprivation, Plaintiff has not alleged sufficient facts to permit a plausible inference that Defendant Baker was personally involved in the denial of a fan or that he acted with deliberate indifference. Plaintiff’s letters do not indicate that the heat in his cell was extreme, nor does it indicate that Plaintiff suffered from a medical condition likely to cause the injuries he received. The Court finds that Plaintiff fails to state a claim upon which relief can be granted. Plaintiff’s complaint is dismissed with leave to amend as directed below to permit Plaintiff the opportunity to clarify his allegations and provide any additional information he desires the Court to consider. Plaintiff’s Motion to Request Counsel (Doc. 5) Plaintiff has no constitutional or statutory right to counsel in this case. In considering the Plaintiff’s motion, the court asks: (1) has the indigent Plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself? *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). Plaintiff satisfied the first prong. Plaintiff indicates that he is a college graduate. He has personal knowledge of the facts, he has been able to adequately communicate them to the Court, and he should be able to obtain relevant documents via the discovery process. This case does not appear overly complex at this time, nor does it appear that it will require expert testimony. The Court finds that Plaintiff is capable of representing himself at this time. Plaintiff’s motion is denied with leave to renew. IT IS THEREFORE ORDERED: 1) Plaintiff’s complaint is dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) and 28 U.S.C. § 1915A. Plaintiff shall have 30 days from the entry of this order to file an amended complaint. Failure to file an amended complaint will result in the dismissal of this case, with prejudice, for failure to state a claim. Plaintiff’s amended complaint will replace Plaintiff’s original complaint in its entirety. The amended complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted. 2) Plaintiff’s Motion [5] is DENIED with leave to renew. 3) Clerk is directed to send Plaintiff a blank

complaint form. Entered this 16th day of June, 2026. s/Sara Darrow

SARA DARROW

UNITED STATES DISTRICT JUDGE

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