

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

Swaleh Shafiq Mohammed v. Syed Hussain, Loay Sandouka, and
Jehanzeb Sheikh

No. 23 C 15301 (N.D. Ill. Feb. 11 2026) (N.D. Ill. 2026) · No. No. 23 C 15301 · Decided February 11, 2026

SUMMARY

The United States District Court for the Northern District of Illinois addresses motions to dismiss claims brought by an involuntarily committed detainee under 42 U.S.C. § 1983, including deliberate indifference, failure to obtain informed consent, medical malpractice, and negligent infliction of emotional distress. The court denies Dr. Syed Hussain’s motion to dismiss, allowing the deliberate-indifference, informed-consent, and NIED claims to proceed. It grants Dr. Loay Sandouka’s motion to dismiss with prejudice because the claims were untimely and did not qualify for relation back, continuing-violation treatment, or equitable tolling.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Sara L. Ellis
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	February 11, 2026
DOCKET	No. 23 C 15301
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983 and asserted medical-malpractice and negligent-infliction-of-emotional-distress claims. Defendants Hussain and Sandouka moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint states a facially plausible claim providing fair notice of its basis. A statute-of-limitations defense may be resolved on a motion to dismiss when the complaint itself establishes that the claim is untimely.

TOPICS

section 1983

due process

motions to dismiss

statute of limitations

civil procedure

PRACTICE AREAS

civil rights

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QUESTIONS PRESENTED

1. Whether Mohammed plausibly alleged that Dr. Hussain's course of medical treatment demonstrated an absence of professional judgment sufficient to support a Fourteenth Amendment deliberate-indifference claim.
2. Whether Mohammed plausibly alleged a Fourteenth Amendment informed-consent claim against Dr. Hussain.
3. Whether Mohammed plausibly alleged the contemporaneous physical injury or impact required for his direct-victim negligent-infliction-of-emotional-distress claim against Dr. Hussain.
4. Whether the claims against Dr. Sandouka were timely under the applicable two-year statute of limitations.
5. Whether the claims against Dr. Sandouka related back under Federal Rule of Civil Procedure 15(c), qualified for continuing-violation or discovery-rule treatment, or were subject to equitable tolling.

HOLDINGS

1. The complaint plausibly alleged that Dr. Hussain's treatment could have demonstrated an absence of professional judgment because he allegedly continued a medication combination associated with worsening symptoms for several months despite those symptoms and Mohammed's requests for alternative treatment.
2. Mohammed plausibly alleged an informed-consent due-process claim against Dr. Hussain based on the alleged failure to disclose the substantial risk and symptoms of SSRI Syndrome arising from the combined medications.
3. Mohammed plausibly alleged the contemporaneous physical injury or impact required for a direct-victim NIED claim by alleging medication-related vomiting, dizziness, abdominal pain, nausea, and diarrhea.
4. The claims against Dr. Sandouka accrued no later than April 2, 2022, when Mohammed was assaulted, and were untimely when first asserted in the amended complaint filed March 13, 2025.
5. The claims against Dr. Sandouka did not relate back to Mohammed's original complaint because the record did not show a mistake concerning the proper party's identity.
6. Neither the continuing-violation doctrine nor the discovery rule delayed accrual of Mohammed's claims against Dr. Sandouka.

7. Mohammed was not entitled to equitable tolling based on his mental or physical impairments or alleged inability to discover Sandouka's role.

KEY QUOTATIONS

“To survive a Rule 12(b)(6) motion, the complaint must assert a facially plausible claim and provide fair notice to the defendant of the claim’s basis.”

“The third prong requires a showing that Dr. Hussain’s “subjective response was so inadequate that it demonstrated an absence of professional judgment, that is, that no minimally competent professional would have so responded under those circumstances.””

“A plaintiff has not made a mistake if the allegations reveal that he or she intended to sue one party for misconduct but, after the time limitation period has passed, decides to add an additional defendant, not contemplated in the original complaint, who may also have been liable.”

“The discovery rule does not delay the accrual of a claim until a plaintiff knows of the existence of a legal claim but rather focuses on when a plaintiff should know of an injury and its likely cause.”

FACTUAL BACKGROUND

Mohammed was involuntarily committed to Elgin Mental Health Center and was treated by Dr. Hussain, Dr. Sandouka, and Dr. Sheikh. He alleged that Dr. Hussain continued or combined medications that caused SSRI Syndrome symptoms without explaining the risks or obtaining informed consent. He also alleged that Dr. Sandouka failed to separate him from a volatile and manic roommate, who assaulted him on April 2, 2022, causing physical injuries. Mohammed filed his first complaint within two years of the assault but did not add Dr. Sandouka until his first amended complaint filed on March 13, 2025.

PROCEDURAL HISTORY

Mohammed filed a pro se complaint on October 24, 2023, naming Dr. Hussain and EMHC director Michelle Evans. He later sought to add Dr. Sandouka and Dr. Sheikh. Recruited counsel filed a first amended complaint on March 13, 2025. The court denied Dr. Sandouka's motion to dismiss with respect to claims against Dr. Hussain, granted Dr. Sandouka's motion, and dismissed the claims against Dr. Sandouka with prejudice.

DISPOSITION

other

CASES CITED

- Phillips v. Prudential Ins. Co. of Am., 714 F.3d 1017, 1019–20 (7th Cir. 2013)
- Gibson v. City of Chicago, 910 F.2d 1510, 1520 (7th Cir. 1990)
- Kubiak v. City of Chicago, 810 F.3d 476, 480–81 (7th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)

- *Adams v. City of Indianapolis*, 742 F.3d 720, 728–29 (7th Cir. 2014)
- *Miranda v. County of Lake*, 900 F.3d 335, 353–54 (7th Cir. 2018)
- *Gunderson v. Corcoran*, No. 21-cv-04891, 2023 WL 6049914, at *8 (N.D. Ill. Sept. 15, 2023)
- *Nadzhafaliyev v. Hardy*, No. 16 C 6844 (N.D. Ill. Nov. 30, 2020)
- *Wesley v. Armor Corr. Health Servs. Inc.*, No. 19-cv-0918, 2022 WL 16748861, at *10–11 (E.D. Wis. Nov. 7, 2022)
- *Johnson v. Schuyler County*, No. 16-4204, 2019 WL 2778084, at *2 (C.D. Ill. July 2, 2019)
- *Youngberg v. Romeo*, 457 U.S. 307 (1982)
- *Johnson v. Rimmer*, 936 F.3d 695, 707 (7th Cir. 2019)
- *Collignon v. Milwaukee County*, 163 F.3d 982, 989–90 (7th Cir. 1998)
- *Estate of Perry v. Wenzel*, 872 F.3d 439, 453 (7th Cir. 2017)
- *Knight v. Grossman*, 942 F.3d 336, 343–44 (7th Cir. 2019)
- *Walker v. McArdle*, 861 F. App'x 680, 686 (7th Cir. 2021)
- *Pabon v. Wright*, 459 F.3d 241, 250 (2d Cir. 2006)
- *Phillips v. Wexford Health Sources, Inc.*, 522 F. App'x 364, 367 (7th Cir. 2013)
- *Williams v. Kelly*, No. 15 C 8135 (N.D. Ill. Jan. 5, 2017)
- *Kudelka v. Dodge Corr. Inst.*, No. 19-C-11, 2019 WL 1099069, at *2 (E.D. Wis. Mar. 8, 2019)
- *Schweihs v. Chase Home Fin., LLC*, 2016 IL 120041, ¶¶ 31, 38, 44
- *Benton v. Little League Baseball, Inc.*, 2020 IL App (1st) 190549, ¶ 76
- *Jose-Nicolas v. Wexford Health Sources, Inc.*, No. 20 C 5507 (N.D. Ill. July 1, 2024)
- *United States v. Lewis*, 411 F.3d 838, 842 (7th Cir. 2005)
- *Brooks v. Ross*, 578 F.3d 574, 579 (7th Cir. 2009)
- *Milchtein v. Milwaukee County*, 42 F.4th 814, 822 (7th Cir. 2022)
- *Novak v. Levenfeld Pearlstein*, No. 13 C 08861 (N.D. Ill. Sept. 15, 2014)
- *Walstad v. Klink*, 2018 IL App (1st) 170070, ¶¶ 19–20
- *Buy Direct, LLC v. DirectBuy, Inc.*, No. 2:15-CV-344, 2023 WL 142704, at *9 (N.D. Ind. Jan. 10, 2023)
- *Wilder v. Rivera*, No. 22 C 50444 (N.D. Ill. Mar. 21, 2025)
- *Roman v. Jeffreys*, No. 19-CV-07271, 2024 WL 4333287, at *9 (N.D. Ill. Sept. 27, 2024)
- *Wilson v. Wexford Health Sources, Inc.*, 932 F.3d 513, 517 (7th Cir. 2019)
- *Devbrow v. Kalu*, 705 F.3d 765, 768, 770 (7th Cir. 2013)
- *Wallace v. Kato*, 549 U.S. 384, 394 (2007)
- *City of Rockford v. Gilles*, 2022 IL App (2d) 210521, ¶ 65
- *Ademiju v. United States*, 999 F.3d 474, 477 (7th Cir. 2021)
- *Biddle v. City of Chicago*, No. 24-2049, 2025 WL 838734, at *2 (7th Cir. Mar. 18, 2025)
- *Parks v. Kownacki*, 193 Ill. 2d 164, 176–79 (2000)
- *United States v. Spectrum Brands, Inc.*, 924 F.3d 337, 350 (7th Cir. 2019)
- *Kovacs v. United States*, 614 F.3d 666, 674 (7th Cir. 2010)

- Cancer Foundation, Inc. v. Cerberus Capital Management, LP, 559 F.3d 671, 674 (7th Cir. 2009)
- Ericson v. Conagra Foods, Inc., No. 20-cv-07065, 2021 WL 4133524, at *3 (N.D. Ill. Sept. 10, 2021)
- Feltmeier v. Feltmeier, 207 Ill. 2d 263, 285 (2003)

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