

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Hubert Duwayne Hill v. Dr. Cleveland Rayford, Dr. Ampadu, Jody
Collman, Tom Schmidt, Matt Schwendeman, Jacob Carlisle, John
Doe Deputy, and Sheriff Jeff Connor

Hill · No. 25-cv-333-NJR · Decided April 29, 2026

SUMMARY

The court partially granted Hubert Duwayne Hill’s motion to amend his § 1983 complaint. It permitted substitution of Lieutenant Ryan Dawdy for the John Doe deputy and added a Fourteenth Amendment claim against Wellpath Inc. based on alleged delays in specialist referrals, but denied leave to add claims against Dr. Michael Schackter because the allegations amounted at most to negligence. The court directed filing and service of the amended complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 29, 2026
DOCKET	25-cv-333-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to amend his § 1983 complaint and stipulated to identify the John Doe deputy. The court reviewed the proposed new claims under 28 U.S.C. § 1915A and granted the motion in part and denied it in part.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the court's sound discretion, subject to considerations including undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, and futility. Proposed amended claims were also screened under 28 U.S.C. § 1915A.
PRECEDENTIAL VALUE	District court memorandum and order; no precedential status stated.
PARTIES	Hubert Duwayne Hill v. Dr. Cleveland Rayford, Dr. Ampadu, Jody Collman, Tom Schmidt, Matt Schwendeman, Jacob Carlisle, John Doe

TOPICS

motion to amend section 1983 fourteenth amendment civil procedure health law

PRACTICE AREAS

civil procedure constitutional law civil rights health law

QUESTIONS PRESENTED

1. Whether Hill should be permitted to amend his complaint to identify the John Doe deputy as Ryan Dawdy and clarify that deputy's alleged use of force.
2. Whether Hill's proposed allegations against Dr. Michael Schackter stated a Fourteenth Amendment medical-care claim.
3. Whether Hill adequately alleged a Monell claim against Wellpath Inc. based on a practice of reviewing and denying specialist referrals.

HOLDINGS

1. The court granted leave to amend to identify Lieutenant Ryan Dawdy as the John Doe deputy and to clarify his alleged involvement in the use of force.
2. The proposed claim against Dr. Schackter was futile and did not state a Fourteenth Amendment claim because the allegations showed, at most, negligence rather than purposeful, knowing, or reckless conduct that was objectively unreasonable.
3. The court allowed Hill to add a Fourteenth Amendment Monell claim against Wellpath Inc. based on an alleged practice of reviewing and denying referrals to specialists that caused delays in medical care.

KEY QUOTATIONS

“The decision to grant a plaintiff leave to amend a complaint under Rule 15(a)(2) is within the sound discretion of the Court.” (at 2)

“Negligence and gross negligence do not support a claim under the Fourteenth Amendment.” (at 2)

FACTUAL BACKGROUND

Hill was a pretrial detainee who alleged inadequate medical treatment, excessive force during an incident on January 16, 2025, and retaliation for grievances concerning his medical care. He alleged that Lieutenant Ryan Dawdy twisted his arm, stomped on his head, and pressed his foot against his jaw. Hill also alleged that Dr. Schackter prescribed medications for pain, including Nortriptilin and later Tramadol, and that Wellpath's referral-review practice delayed his referral to an orthopedic specialist for more than a year.

PROCEDURAL HISTORY

Hill, a pretrial detainee, brought constitutional claims under 42 U.S.C. § 1983. After screening under 28 U.S.C. § 1915A, the court allowed claims concerning inadequate medical treatment, excessive force, and retaliation to proceed, while dismissing claims against Wellpath Medical Provider and Sheriff Connor. Hill then moved to amend, identifying the John Doe deputy as Ryan Dawdy, adding allegations against Dr. Michael Schackter, and seeking to re-allege claims against Wellpath Inc.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was directed to file the proposed Amended Complaint, substitute Lieutenant Ryan Dawdy for the John Doe Deputy, add Count 4 against Wellpath Inc., and serve Ryan Dawdy and Wellpath Inc. in accordance with the initial merits review order.

CASES CITED

- Pugh v. Tribune Co., 521 F.3d 686, 698 (7th Cir. 2008)
- Orix Credit Alliance, Inc. v. Taylor Mach. Works, Inc., 125 F.3d 468, 480 (7th Cir. 1997)
- Barry Aviation, Inc. v. Land O’Lakes Municipal Airport Comm’n, 377 F.3d 682, 687 (7th Cir. 2004)
- Miranda v. Cty. of Lake, 900 F.3d 335, 353-54 (7th Cir. 2018)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS HUBERT DUWAYNE HILL, Plaintiff, v. Case No. 25-cv-333-NJR DR. CLEVELAND RAYFORD, DR. AMPADU, JODY COLLMAN, TOM SCHMIDT, MATT SCHWENDEMAN, JACOB CARLISLE, JOHN DOE DEPUTY, and SHERIFF JEFF CONNOR, Defendants. MEMORANDUM AND ORDER ROSENSTENGEL, District Judge: Plaintiff Hubert Duwayne Hill, a pretrial detainee at the Madison County Jail, brings this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983.

After review of the Complaint pursuant to 28 U.S.C. § 1915A, Hill was allowed to proceed on the following counts: Count 1: Fourteenth Amendment claim against Dr. Cleveland Rayford, Dr. Ampadu, and Jody Collman for refusing to provide Hill with adequate treatment for his medical conditions. Count 2: Fourteenth Amendment excessive force claim against Lieutenant Schmidt, Deputy Schwendemann, Deputy Carlisle, and John Doe Deputy for their use of force against Hill on January 16, 2025.

Count 3: First Amendment retaliation claim against Lieutenant Schmidt, Deputy Schwendemann, Deputy Carlisle, and John Doe Deputy for threatening Hill and using excessive force in response to Hill’s grievances regarding his medical care. (Doc. 6, p. 5). Claims against Wellpath Medical

Provider were dismissed because Hill failed to point to any policy or practice that caused lapses in his care (Id. at p. 4).

Further, claims against Sheriff Connor were dismissed because Hill failed to allege that Connor was aware of his medical needs or complaints (Id.). This matter is now before the Court on Hill's motion to amend his Complaint (Doc. 72) and stipulation to identify the John Doe (Doc. 73). Hill has now identified Ryan Dawdy as the John Doe Deputy who used excessive force.

He further seeks to add claims against Dr. Michael Schackter, as well as to re-allege claims against Wellpath Inc. Under Federal Rule of Civil Procedure 15(a)(1), a plaintiff may amend his pleading once as a matter of course within "21 days after service of a responsive pleading." The time for filing an amended pleading as a matter of course has passed, and thus Hill may amend his pleading under Rule 15(a)(2) "only with the opposing party's written consent or the court's leave." FED.

R. CIV. P. 15(a)(2). The decision to grant a plaintiff leave to amend a complaint under Rule 15(a)(2) is within the sound discretion of the Court. *Pugh v. Tribune Co.*, 521 F.3d 686, 698 (7th Cir. 2008); *Orix Credit Alliance, Inc. v. Taylor Mach. Works, Inc.*, 125 F.3d 468, 480 (7th Cir. 1997). Leave to amend may be denied for several reasons, however, including: "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party...[or the] futility of amendment." *Barry Aviation, Inc. v. Land O'Lakes Municipal Airport Comm'n*, 377 F.3d 682, 687 (7th Cir.

2004). Hill's proposed new claims and allegations are also subject to review pursuant to 28 U.S.C. § 1915A. Hill has now identified the John Doe Deputy as Lieutenant Ryan Dawdy (Doc. 73, p. 1). His proposed Amended Complaint further clarifies Dawdy's involvement in the use of force, alleging that he twisted Hill's right arm, causing damage to his right shoulder (Doc.

72- 1, p. 5). He also alleges that Dawdy stomped on Hill's head and applied pressure with his foot to his jaw (Id.). To the extent that Hill seeks to identify the remaining John Doe and clarify his involvement in the use of force, Hill's motion to amend is GRANTED.

The Clerk of Court is DIRECTED to SUBSTITUTE Ryan Dawdy in place of the John Doe Deputy. Hill also seeks to add claims against Dr. Schackter. He alleges that he saw Dr. Schackter in May or June and was prescribed Nortriptilin for his pain (Doc. 72-1, p. 10). That medication failed to provide him with any relief so Dr. Schackter later prescribed Tramadol, which Hill acknowledges relieved his pain (Id.).

In order to articulate a claim regarding his medical care, a detainee must establish that (1) the defendant "acted purposefully, knowingly, or perhaps even recklessly," and (2) the defendant's conduct was objectively unreasonable. *Miranda v. Cty. of Lake*, 900 F.3d 335, 353-54 (7th Cir. 2018). Negligence and gross negligence do not support a claim under the Fourteenth Amendment.

Miranda, 900 F.3d at 353. There are simply no allegations suggesting that Dr. Schackter acted knowingly or recklessly in treating Hill's pain. Although Hill alleges that the pain medication Dr. Schackter first prescribed provided him with no relief and he later learned from a nurse that it was a sleeping medication, the allegations suggest that Dr. Schackter continued to try other medications when the first medication failed to provide relief.

He later prescribed Tramadol, which Hill acknowledged helped with his pain. Although the first medication might not have provided the relief Hill sought, there are no allegations to suggest that Dr. Schackter purposefully provided ineffective medication. At most, his actions suggest negligence.

Thus, Hill fails to state a claim against Dr. Schackter. As to Wellpath Inc., Hill alleges that they have a system in place that requires approval by an insurance company for any referral made by a doctor (Doc. 72-1, p. 11). Hill notes that Dr. Ampadu and Dr. Schackter referred him to an orthopedic specialist, but that referral was denied by Wellpath's insurance company (Id.).

Hill acknowledges that Dr. Schackter appealed the denial, which was ultimately approved, but Hill alleges that his referral was delayed for over a year and he was left in pain during that time (Id.). At this stage, Hill adequately alleges a Monell claim against Wellpath for their referral practice.

Thus, the Court ADDS the following count: Count 4: Fourteenth Amendment claim against Wellpath Inc. for having a practice of reviewing and denying referrals to specialists which led to delays in Hill's medical care.

For the reasons stated above, Hill's motion to amend (Doc. 72) is GRANTED in part and DENIED in part. The Clerk of Court is DIRECTED to file the proposed Amended Complaint (Doc. 72-1). John Doe Deputy is identified as Lieutenant Ryan Dawdy. Further, Count 4 is ADDED against Wellpath Inc. The Clerk of Court is DIRECTED to serve Ryan Dawdy and Wellpath Inc. in accordance with the Court's initial merits review order (Doc.

6). IT IS SO ORDERED. DATED: April 29, 2026 NANCY J. ROSENSTENGEL United States District Judge