

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, SPRINGFIELD DIVISION

Jerry Davey v. Zorian Trusewych et al.

Davey · No. 3:25-cv-03296-SEM · Decided May 5, 2026

SUMMARY

The court grants Plaintiff Jerry Davey leave to file an amended complaint and an extension of time, finding that he plausibly alleges Eighth Amendment deliberate-indifference claims against several healthcare defendants and a Monell policy claim against Wexford Health Sources, Inc. The court dismisses several previously named parties who were not included in the amended complaint and denies appointment of counsel without prejudice. The case proceeds to service against the remaining defendants.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Springfield Division
WRITING FOR THE COURT	Sue E. Myerscough
JURISDICTION	United States District Court for the Central District of Illinois, Springfield Division
DECIDED	May 5, 2026
DOCKET	3:25-cv-03296-SEM
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983; the court screened the amended complaint under 28 U.S.C. § 1915A and ruled on motions for leave to amend, extension of time, and recruitment of counsel.
STANDARD OF REVIEW	On § 1915A screening, the court accepted factual allegations as true and construed them liberally in Plaintiff's favor, while disregarding conclusory statements and determining whether the pleading stated a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jerry Davey v. Zorian Trusewych, Black, Burke, Dixon, Wexford Health Sources, Incorporated

TOPICS

section 1983

prisoners rights

cruel and unusual punishment

civil procedure

health law

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

health law

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated Eighth Amendment deliberate-indifference claims against Black, Burke, Dixon, and Trusewycz.
2. Whether the allegation that Wexford required inmates to attend sick call three times before physician referral plausibly stated a Monell policy claim under § 1983.
3. Whether Greene, Hughes, and Riggs should remain parties when they were not named or included in the amended complaint.
4. Whether Plaintiff should receive recruitment of counsel at the early screening stage.

HOLDINGS

1. The allegations were sufficient to state Eighth Amendment deliberate-indifference-to-serious-medical-needs claims against Black, Burke, Dixon, and Trusewycz, proceeding against those defendants in their individual capacities only.
2. The allegation that Wexford instituted a policy requiring every inmate to attend sick call three times before being referred to a physician was sufficient to state a plausible Monell policy claim against Wexford.
3. Greene, Hughes, and Riggs were dismissed as parties because Plaintiff did not name them or assert claims against them in the amended complaint.
4. The motion for counsel was denied, with leave to renew on a more developed record.

KEY QUOTATIONS

“Prison officials violate the Eighth Amendment’s proscription against cruel and unusual punishment when their conduct demonstrates ‘deliberate indifference to serious medical needs of prisoners.’” (I.C)

“Plaintiff’s account is sufficient to state an Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Black, Burke, Dixon, and Trusewycz.” (I.C)

“Plaintiff’s allegation that Wexford instituted a policy that requires every inmate to attend sick call three times before being referred to a physician for treatment is also sufficient to state a Monell claim against Wexford.” (I.C)

FACTUAL BACKGROUND

Jerry Davey, an inmate at Western Illinois Correctional Center, alleged that he repeatedly informed Healthcare Unit administrators Black and Burke, Licensed Practical Nurse Dixon, and Dr. Zorian Trusewycz that he suffered from chronic prostatitis causing hourly urination and sleep deprivation. He alleged that these defendants

failed to take action. He also alleged that Wexford Health Sources instituted a policy requiring inmates to attend sick call three times before referral to a physician.

PROCEDURAL HISTORY

Plaintiff filed an initial complaint naming additional prison officials, and those claims and parties were dismissed or not carried forward in the amended pleading. The court granted leave to file the amended complaint and an extension of time, screened the amended complaint, allowed specified Eighth Amendment and Monell claims to proceed, terminated Greene, Hughes, and Riggs as parties, and denied appointed counsel without prejudice to renewal.

DISPOSITION

other

CASES CITED

- Monell v. N.Y. City Department of Social Services, 436 U.S. 658 (1978)
- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Gutierrez v. Peters, 111 F.3d 1364, 1369 (7th Cir. 1997)
- Estelle v. Gamble, 429 U.S. 97, 104 (1976)
- Vance v. Peters, 97 F.3d 987, 991 (7th Cir. 1996)
- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Greeno v. Daley, 414 F.3d 645, 653 (7th Cir. 2005)
- Rasho v. Elyea, 856 F.3d 469, 476 (7th Cir. 2017)
- Sain v. Wood, 512 F.3d 886, 895 (7th Cir. 2008)
- Thomas v. Cook County Sheriff's Department, 604 F.3d 293, 303 (7th Cir. 2010)
- Woodward v. Correctional Medical Services of Illinois, Inc., 368 F.3d 917, 927-28 (7th Cir. 2004)
- Pembaur v. City of Cincinnati, 475 U.S. 469, 479 (1986)
- Carver v. Condie, 169 F.3d 469, 472 (7th Cir. 1999)
- Jackson v. County of McLean, 953 F.2d 1070, 1071 (7th Cir. 1992)
- Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007)
- Eagan v. Dempsey, 987 F.3d 667, 682-83 (7th Cir. 2021)