

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

Dearold White v. Latoya Hughes et al.

Case No. 25-1469 (C.D. Ill. May 11, 2026) · No. 25-1469 · Decided May 11, 2026

SUMMARY

The court screened Plaintiff DeArold White’s 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. It allowed an Eighth Amendment deliberate-indifference claim against Defendants Bowden and Brown and a First Amendment retaliation claim against Brown to proceed, while dismissing the other named defendants. The court also denied Plaintiff’s motion for appointed counsel and directed service of the surviving claims.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Colleen R. Lawless
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	May 11, 2026
DOCKET	25-1469
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner’s complaint under 28 U.S.C. § 1915A and ruling on the plaintiff’s motion for appointment of counsel.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court accepts factual allegations as true and construes them liberally in the plaintiff’s favor, but dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. A complaint must contain sufficient factual matter to state a claim that is plausible on its face. For appointment of counsel, the court applies the two-step Pruitt inquiry concerning the plaintiff’s reasonable efforts to obtain counsel and his competence to litigate the case given its difficulty.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established in the source.

PARTIES

Dearold White v. Latoya Hughes, Mindi Nurse, Chad Brown, Bowden or Bowen, Rodney Alford, Doe Medical Director, Doe II Physician, Doe III Director of Nursing, Wexford Health Sources, Incorporated

TOPICS

prisoners rights

section 1983

civil rights

pleadings

first amendment

PRACTICE AREAS

prisoner civil rights

constitutional litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether White's allegations plausibly stated an Eighth Amendment deliberate-indifference claim against Bowden and Brown.
2. Whether White's allegation that Brown retaliated against him after he threatened to file suit plausibly stated a First Amendment retaliation claim.
3. Whether White stated constitutional claims against Alford, Hughes, the Doe defendants, or Wexford.
4. Whether White was entitled to appointment of counsel in this civil rights action.

HOLDINGS

1. White's allegations were sufficient to state an Eighth Amendment deliberate-indifference claim against Bowden and Brown, so that claim may proceed.
2. White's allegation that Brown retaliated against him after he stated that he would file suit was sufficient at the screening stage to allow a First Amendment retaliation claim against Brown to proceed.
3. White failed to state claims against Rodney Alford, Latoya Hughes, Does I, II, and III, and Wexford because he alleged no facts establishing or permitting an inference that those defendants violated his constitutional rights.
4. White's motion for counsel was denied because he did not satisfy the threshold requirement of showing that he had made a reasonable attempt to obtain counsel or was effectively precluded from doing so.

KEY QUOTATIONS

"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."

"Enough facts must be provided to "state a claim for relief that is plausible on its face.""

"Plaintiff has no constitutional right to counsel, and the Court cannot require an attorney to accept pro bono appointments in civil cases."

"Complaints need not anticipate defenses and attempt to defeat them."

FACTUAL BACKGROUND

White alleged that he had been issued a walker and permits for a low gallery and bunk because he could lose his balance and fall without warning. After a verbal altercation with Corrections Lieutenant Bowden and Major Chad Brown concerning inadequate heat, Bowden allegedly moved White to a higher gallery with Brown's approval, and White fell down stairs, injuring his ankle and knee. White alleged that a later move to a lower, but still elevated, gallery led to another fall and that he was transferred to Menard Correctional Center after stating that he would file suit.

PROCEDURAL HISTORY

Plaintiff filed a complaint under 42 U.S.C. § 1983 and a motion for counsel. After screening, the court allowed an Eighth Amendment deliberate-indifference claim against Bowden and Brown and a First Amendment retaliation claim against Brown to proceed in individual capacities. The court denied the motion for counsel, dismissed Alford, Hughes, Does I, II, and III, and Wexford, and directed service on the remaining defendants.

DISPOSITION

other

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Zentmyer v. Kendall County, 220 F.3d 805, 812 (7th Cir. 2000)
- Reed v. Bowen, 769 F. App'x 365, 370 (7th Cir. 2019)
- Davenport v. Sczepanski, 704 F. App'x 602, 603 (7th Cir. 2017)
- Bridges v. Gilbert, 557 F.3d 541, 554 (7th Cir. 2009)
- Herron v. Meyer, 820 F.3d 860, 864 (7th Cir. 2016)
- Richards v. Mitcheff, 696 F.3d 635, 637 (7th Cir. 2012)
- Collins v. Kibort, 143 F.3d 331, 334 (7th Cir. 1998)
- Bravo v. Midland Credit Management, 812 F.3d 599, 601-02 (7th Cir. 2016)
- Charleston v. Board of Trustees of the University of Illinois at Chicago, 741 F.3d 769, 772 (7th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Jackson v. County of McLean, 953 F.2d 1070, 1071 (7th Cir. 1992)
- Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007)