

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Durell T. Crain v. Lloyd Arnold, et al.

Cause No. 3:25-CV-827-PPS-APR (N.D. Ind. Jan. 5, 2026) · No. 3:25-CV-827-PPS-APR · Decided January 5, 2026

SUMMARY

The court screens a pro se prisoner’s amended complaint under 28 U.S.C. § 1915A. It permits claims to proceed against certain defendants concerning deliberate indifference to medical and mental-health needs and First Amendment retaliation, while dismissing or declining to permit other claims involving prison conditions, property, classification, and various medical and correctional personnel. The court also limits any potential preliminary injunctive relief to constitutionally adequate medical and mental-health care and conditions of confinement.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	January 5, 2026
DOCKET	3:25-CV-827-PPS-APR
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a pro se prisoner’s amended complaint under 28 U.S.C. § 1915A, together with consideration of motions for preliminary injunctive relief and motions seeking judicial notice.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court accepts well-pleaded factual allegations and favorable inferences at the pleading stage, but dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. For preliminary injunctive relief, the movant must show a likelihood of success on the merits, likely irreparable harm, favorable balancing of equities, and that an injunction is in the public interest; mandatory injunctions receive heightened scrutiny and prison-related relief must comply with the PLRA’s narrow-tailoring requirements.

PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Durell T. Crain v. Lloyd Arnold, Jason Smiley, Jason Rippe, U.T.M. Sonnenberg, Dr. Liaw, Nurse Berbaker, other named defendants

TOPICS

[prisoners rights](#)
[section 1983](#)
[cruel and unusual punishment](#)
[first amendment](#)
[injunctions](#)

PRACTICE AREAS

[civil rights](#)
[prisoner litigation](#)
[constitutional law](#)
[medical care](#)
[injunctive relief](#)
[civil procedure](#)

QUESTIONS PRESENTED

1. Whether Crain plausibly alleged that Dr. Liaw was deliberately indifferent to serious medical needs by discontinuing Air Duo in September 2025 without providing alternative treatment.
2. Whether Crain plausibly alleged deliberate indifference against Nurse Berbaker based on her alleged failure to process health-care requests concerning pain associated with his organs.
3. Whether Crain plausibly alleged First Amendment retaliation against Captain Rippe and U.T.M. Sonnenberg based on removal of a fan after Crain filed an emergency grievance.
4. Whether Crain's remaining medical, mental-health, property, classification, and policy-related allegations stated actionable constitutional claims under 28 U.S.C. § 1915A.
5. Whether Crain was entitled to preliminary injunctive relief or judicial notice of materials and filings.

HOLDINGS

1. Crain plausibly alleged an Eighth Amendment deliberate-indifference claim against Dr. Liaw because Dr. Liaw allegedly discontinued Air Duo in September 2025 without offering alternative treatment despite Crain's continuing asthma-related breathing problems.
2. Crain may proceed against Nurse Berbaker for deliberate indifference based on allegations that she ignored multiple health-care requests concerning pain associated with his organs, leaving him without assessment or treatment.
3. Crain may proceed on a First Amendment retaliation claim against Captain Rippe and U.T.M. Sonnenberg for allegedly removing a fan from in front of his cell after he filed an emergency grievance, where the officials allegedly knew the fan reduced smoke exposure that aggravated his asthma.
4. Crain may proceed against Warden Smiley in his official capacity for injunctive relief requiring constitutionally adequate medical and mental-health care for asthma-related breathing problems, pain associated with his organs, emotional distress, hearing voices, and related symptoms.
5. The requests for preliminary injunctive relief were taken under advisement rather than granted immediately; the warden was ordered to respond concerning Crain's medical and mental-health care, and Crain was given an opportunity to reply.

6. The court denied Crain's motions for judicial notice because the asserted facts and attached materials were not appropriate for judicial notice or were unnecessary and irrelevant to the issues pending in this case.

KEY QUOTATIONS

“Inmates are “not entitled to demand specific care,”” (Opinion and Order, medical-care analysis)

“While under ordinary circumstances removing a fan would not rise to the level of a deprivation that could deter future First Amendment activity, here it can be inferred that Captain Rippe and UTM Sonnenburg knew that the fan was there because Crain had difficulty breathing around smoke and understood that removing it would cause Crain distress.” (Opinion and Order, retaliation analysis)

“DISMISSES all other claims;” (Opinion and Order, disposition)

FACTUAL BACKGROUND

Crain, an Indiana prisoner with asthma and reported mental-health symptoms, alleged that prison medical staff discontinued breathing treatments and an Air Duo inhaler, failed to respond adequately to health-care requests, and left him exposed to smoke. He also alleged that prison officials removed a fan positioned to reduce smoke exposure shortly after he filed an emergency grievance, and that he was denied adequate mental-health and medical treatment. The court found plausible claims against Dr. Liaw, Nurse Berbaker, Captain Rippe, and U.T.M. Sonnenberg, and allowed official-capacity injunctive-relief claims against Warden Smiley, while finding the remaining allegations insufficient, unrelated to this action, delusional, or legally nonactionable.

PROCEDURAL HISTORY

Crain filed an amended prisoner complaint naming nineteen defendants and sought emergency preliminary injunctive relief. The court screened the complaint under 28 U.S.C. § 1915A, denied two motions for judicial notice, dismissed all claims not identified as viable, granted leave to proceed on specified Eighth Amendment and First Amendment claims, directed service, and ordered the warden to respond to the requests for preliminary injunctive relief.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 104, 106 (1976)
- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Greeno v. Daley, 414 F.3d 645, 653 (7th Cir. 2005)
- Board v. Farnham, 394 F.3d 469, 478 (7th Cir. 2005)
- Jackson v. Kotter, 541 F.3d 688, 697 (7th Cir. 2008)

- Walker v. Wexford Health Sources, Inc., 940 F.3d 954, 965 (7th Cir. 2019)
- Forbes v. Edgar, 112 F.3d 262, 267 (7th Cir. 1997)
- Whitfield v. Spiller, 76 F.4th 698, 707-08 (7th Cir. 2023)
- Lekas v. Briley, 405 F.3d 602, 614 (7th Cir. 2005)
- Kidwell v. Eisenhauer, 679 F.3d 957, 966 (7th Cir. 2012)
- Gentry v. Duckworth, 65 F.3d 555, 558 (7th Cir. 1995)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Wynn v. Southward, 251 F.3d 588, 593 (7th Cir. 2001)
- Scott v. Edinburg, 346 F.3d 752, 760 (7th Cir. 2003)
- DeTomaso v. McGinnis, 970 F.2d 211, 212 (7th Cir. 1992)
- Healy v. Wisconsin, 65 Fed. Appx. 567, 568 (7th Cir. 2003)
- Sandin, 515 U.S. at 486
- Denton v. Hernandez, 504 U.S. 25, 33 (1992)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Illinois Republican Party v. Pritzker, 973 F.3d 760, 762-63 (7th Cir. 2020)
- Mays v. Dart, 974 F.3d 810, 818 (7th Cir. 2020)
- Westefer v. Neal, 682 F.3d 679, 683 (7th Cir. 2012)