

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

Timmy Jerome Kimp v. Bonnie Nowakowski and Sarah Howell

Kimp · No. 1:22-CV-01369 · Decided March 30, 2026

SUMMARY

The United States District Court for the Northern District of Illinois dismissed with prejudice Timmy Jerome Kimp’s Eighth Amendment damages claims against Bureau of Prisons employees Bonnie Nowakowski and Sarah Howell. The court held that the claims arose in a new Bivens context and that special factors, including the Bureau of Prisons’ Administrative Remedy Program, counseled against recognizing a damages remedy.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Edmond E. Chang
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 30, 2026
DOCKET	1:22-CV-01369
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a federal prisoner's Second Amended Complaint alleging that prison employees violated the Eighth Amendment by refusing to relieve him from a hazardous work assignment during the COVID-19 pandemic. The court granted the motion and dismissed the action with prejudice.
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 contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion
PARTIES	Timmy Jerome Kimp v. Bonnie Nowakowski, Sarah Howell

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QUESTIONS PRESENTED

1. Whether Kimp's Eighth Amendment claim against federal prison employees for refusing to relieve him from a hazardous work assignment presents a new Bivens context.
2. If the claim presents a new Bivens context, whether special factors, including the Bureau of Prisons' Administrative Remedy Program and the institutional implications of judicial intervention in prison work assignments, counsel against implying a damages remedy.
3. Whether the defendants were entitled to qualified immunity or whether the claim against Officer Howell was barred by the statute of limitations.

HOLDINGS

1. Kimp's claim arises in a new Bivens context because it differs meaningfully from *Carlson v. Green* in the rank of the officer sued, the official action challenged, and the potential intrusion into federal prison administration.
2. Even if Kimp's claim were not meaningfully different from *Carlson*, special factors counsel against implying a Bivens damages remedy.
3. Kimp cannot state a valid cause of action under Bivens against Dr. Nowakowski or Officer Howell, and the Second Amended Complaint must be dismissed with prejudice.

KEY QUOTATIONS

"A court cannot extend Bivens if "there is any rational reason ... to think that Congress is better suited to weigh the costs and benefits of allowing a damages action to proceed."" (6)

"Whether or not the program was inadequate or unavailable is immaterial; the Court considers only "whether there is a reason why Congress is better positioned to assess the need for a remedy, not whether that remedy is functionally available."" (9)

FACTUAL BACKGROUND

Kimp, a federal prisoner with asthma and Type 2 diabetes, was assigned to work for the Environmental Safety Compliance Department during the COVID-19 pandemic. He requested a long-term lay-in from work because his medical conditions allegedly placed him at heightened risk, but Dr. Nowakowski issued only a temporary lay-in and Officer Howell required him to continue working, including cleaning and disinfecting cells occupied by prisoners who had tested positive for COVID-19. Kimp later tested positive for COVID-19 at two facilities and alleged that he suffered asthma attacks, heat exhaustion, and lasting effects from the infection.

PROCEDURAL HISTORY

Kim filed a Second Amended Complaint against two Bureau of Prisons employees. After the court recruited pro bono counsel, the defendants moved to dismiss on the grounds that the claims required an impermissible extension of Bivens, that they were entitled to qualified immunity, and that one claim was time-barred. The court dismissed the complaint with prejudice because the claims arose in a new Bivens context and special factors counseled against implying a damages remedy; it did not reach qualified immunity or the statute of limitations.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 389, 397 (1971)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Davis v. Passman, 442 U.S. 228, 230-31 (1979)
- Carlson v. Green, 446 U.S. 14, 16-23 (1980)
- Ziglar v. Abbasi, 582 U.S. 120, 135-40 (2017)
- Egbert v. Boule, 596 U.S. 482, 490-93, 496 (2022)
- Snowden v. Henning, 72 F.4th 237, 238-42 (7th Cir. 2023)
- Watkins v. Mohan, 144 F.4th 926, 933, 936-37 (7th Cir. 2025)
- Green v. Carlson, 581 F.2d 669, 671, 676 (7th Cir. 1978)
- Skyberg v. James, 2025 WL 1672871, at *2-3 (7th Cir. June 13, 2025)
- Brooks v. Richardson, 131 F.4th 613, 615 (7th Cir. 2025)
- Schwarz v. Meinberg, 761 F. App'x 732, 734 (9th Cir. 2019)
- Sargeant v. Barfield, 87 F.4th 358, 367-68 (7th Cir. 2023)
- Correctional Services Corp. v. Malesko, 534 U.S. 61, 74 (2001)
- Hallinan v. Fraternal Order of Police of Chicago Lodge No. 7, 570 F.3d 811, 820 (7th Cir. 2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Brooks v. Ross, 578 F.3d 574, 580 (7th Cir. 2009)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514 (2002)
- Swanson v. Citibank, N.A., 614 F.3d 400, 404-05 (7th Cir. 2010)
- Hernandez v. Mesa, 589 U.S. 93, 102 (2020)