

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Alvernest Kennedy v. Waukesha County Jail Administrator Vaughn
et al.

Kennedy · No. 25-CV-743 · Decided November 26, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin screened Alvernest Kennedy’s amended 42 U.S.C. § 1983 complaint concerning alleged failures to accommodate his hearing impairment while detained at the Waukesha County Jail. The court allowed ADA and Rehabilitation Act claims to proceed against the Waukesha County Jail, Wellpath Medical Services, and the Wisconsin Department of Corrections, while terminating the individual defendants and rejecting the proposed Monell claim. The court ordered service and responsive pleadings.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	November 26, 2025
DOCKET	25-CV-743
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 allowed certain ADA and Rehabilitation Act claims to proceed while terminating individual defendants and dismissing the Monell claim.
STANDARD OF REVIEW	Statutory prisoner-complaint screening under 28 U.S.C. § 1915A; the court assessed compliance with Federal Rule of Civil Procedure 8 and whether the amended complaint stated plausible claims for relief.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court screening order
PARTIES	Alvernest Kennedy v. Waukesha County Jail Administrator Vaughn et al.

TOPICS

ada / disability

reasonable accommodation

section 1983

civil procedure

pleadings

PRACTICE AREAS

civil rights

disability discrimination

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged that the Waukesha County Jail, Wellpath Medical Services, and the Wisconsin Department of Corrections denied Kennedy access to services or programs because of his hearing disability in violation of Title II of the ADA and Section 504 of the Rehabilitation Act.
2. Whether individual jail, medical, and Wisconsin Department of Corrections employees could be sued under the ADA or Rehabilitation Act.
3. Whether Kennedy stated a Monell claim against Waukesha County or Wellpath based solely on alleged ADA and Rehabilitation Act violations.

HOLDINGS

1. The amended complaint plausibly stated ADA and Rehabilitation Act claims against the Waukesha County Jail, Wellpath Medical Services, and the Wisconsin Department of Corrections based on allegations that they refused to accommodate Kennedy's hearing impairment.
2. Individual employees of the Waukesha County Jail, Wellpath, and the Wisconsin Department of Corrections Division of Community Custody could not be sued under the ADA or Rehabilitation Act; the proper defendants were the relevant departments, agencies, or entities.
3. Kennedy failed to state a Monell claim because he alleged ADA and Rehabilitation Act violations but did not allege an underlying constitutional violation.

KEY QUOTATIONS

“Plaintiff’s allegations are sufficient to state ADA and RA claims. However, these claims cannot proceed against the individual defendants.”

“Because Plaintiff does not allege an underlying constitutional violation, Plaintiff fails to state a Monell claim.”

FACTUAL BACKGROUND

Kennedy, who is hearing-impaired and uses hearing aids, alleged that his hearing aids became inoperable while he was detained at the Waukesha County Jail in May 2024. He alleged that jail and medical personnel repeatedly refused to provide replacement hearing aids or other accommodations because of budgetary restrictions and his temporary pretrial-detainee status, impairing his ability to hear announcements, use the telephone, and participate in a parole-revocation proceeding. After receiving hearing aids and auxiliary devices elsewhere, he alleged that the jail later confiscated his telephone amplifier and vibrating watch as security risks.

PROCEDURAL HISTORY

Kennedy filed an original complaint alleging civil-rights violations. The court dismissed that complaint for failure to comply with Federal Rules of Civil Procedure 8, 18, and 20, but granted leave to amend. After Kennedy filed an amended complaint, the court screened it under 28 U.S.C. § 1915A, dismissed claims against the individual defendants, allowed ADA and Rehabilitation Act claims against the Waukesha County Jail, Wellpath Medical Services, and the Wisconsin Department of Corrections to proceed, added certain entities as defendants, and ordered service and responsive pleadings.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- D.S. v. E. Porter County School Corporation, 799 F.3d 793, 798 (7th Cir. 2015)
- Buchanan-Moore v. County of Milwaukee, 570 F.3d 824, 827 (7th Cir. 2009)
- Jaros v. Illinois Department of Corrections, 684 F.3d 667, 670-72 & n.2 (7th Cir. 2012)
- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 690-91 (1978)
- Sallenger v. City of Springfield, Illinois, 630 F.3d 499, 504 (7th Cir. 2010)

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