

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Francisco Contreras v. Centurion Health

No. 1:25-cv-01278-JRO-TAB (S.D. Ind. May 19, 2026) · No. 1:25-cv-01278-JRO-TAB · Decided May 19, 2026

SUMMARY

The United States District Court for the Southern District of Indiana dismissed Francisco Contreras's Second Amended Complaint alleging deliberate indifference to a painful hernia under the Eighth Amendment and 42 U.S.C. § 1983. The court found that Contreras failed to allege specific personal involvement by the defendants or sufficient facts showing subjective deliberate indifference. The court granted one final opportunity to file a Third Amended Complaint by June 20, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Jusyin R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	May 19, 2026
DOCKET	1:25-cv-01278-JRO-TAB
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a prisoner's Second Amended Complaint under 28 U.S.C. § 1915A before service on the defendants.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss any portion of a prisoner's complaint that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim inquiry uses the Federal Rule of Civil Procedure 12(b)(6) plausibility standard. The court accepts factual allegations as true at the pleading stage, but not legal conclusions, and liberally construes a pro se complaint.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order
PARTIES	Francisco Contreras v. Centurion Health

TOPICS

- section 1983
- prisoners rights
- pleadings
- civil procedure
- cruel and unusual punishment

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint stated a claim under 42 U.S.C. § 1983 against the individual defendants by alleging their personal involvement in the denial of medical care.
2. Whether the Second Amended Complaint plausibly alleged that the individual defendants were deliberately indifferent to Contreras's serious medical needs in violation of the Eighth Amendment.
3. Whether Contreras should receive another opportunity to amend his complaint after dismissal under the prison-litigation screening statute.

HOLDINGS

1. The Second Amended Complaint failed to state a claim because it did not allege specific actions or omissions by any particular defendant establishing personal involvement in the alleged denial of medical care.
2. The complaint sufficiently alleged an objectively serious medical condition but failed to plausibly allege that any individual defendant was subjectively deliberately indifferent to that condition.
3. The court granted Contreras one final opportunity to amend because he was proceeding pro se and the court concluded that amendment might permit a viable claim to be stated.

KEY QUOTATIONS

“That Defendants were “aware” of his condition and that his condition persisted are not enough.” (Section III)

“The third amended complaint will completely replace the original.” (Section IV)

FACTUAL BACKGROUND

Contreras, an incarcerated person at New Castle Correctional Facility, alleged that he had a painful, massive hernia first reported to the Indiana Department of Correction Medical Department in 2016. After his transfer to New Castle in 2024, he alleged that facility personnel learned of his continuing pain through intake, healthcare requests, and medical visits but failed to provide proper follow-up care. Meridian Radiology later confirmed the hernia. The complaint identified Centurion Health Services, M. Runyon, NP Johnson, S. Jacobs, and John and Jane Doe defendants but did not specify what each defendant did or failed to do.

PROCEDURAL HISTORY

Contreras filed this civil-rights action alleging denial of medical care for a painful hernia. The court previously screened and dismissed his original complaint and amended complaint for failure to state a claim. The court dismissed the Second Amended Complaint for failure to plead individual involvement and deliberate indifference with sufficient factual detail, but granted one final opportunity to file a Third Amended Complaint by June 20, 2026.

DISPOSITION

other

CASES CITED

- Schillinger v. Kiley, 954 F.3d 990, 993 (7th Cir. 2020)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Cesal v. Moats, 851 F.3d 714, 720 (7th Cir. 2017)
- Lisby v. Henderson, 74 F.4th 470, 472 (7th Cir. 2023)
- Colbert v. City of Chicago, 851 F.3d 649, 657 (7th Cir. 2017)
- Gonzalez v. McHenry County, 40 F.4th 824, 828 (7th Cir. 2022)
- Kemp v. Fulton County, 27 F.4th 491, 498 (7th Cir. 2022)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Johnson v. Dominguez, 5 F.4th 818, 824 (7th Cir. 2021)
- Whiting v. Wexford Health Sources, Inc., 839 F.3d 658, 662 (7th Cir. 2016)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Tate v. SCR Medical Transportation, 809 F.3d 343, 346 (7th Cir. 2015)
- Luevano v. Wal-Mart, 722 F.3d 1014 (7th Cir. 2013)
- Beal v. Beller, 847 F.3d 897, 901 (7th Cir. 2017)

OPINION

CONTRERAS

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

FRANCISCO CONTRERAS,)

) Plaintiff,)) v.) No. 1:25-cv-01278-JRO-TAB)

CENTURION HEALTH,)

) Defendant.)

ORDER DISMISSING SECOND AMENDED COMPLAINT

AND DIRECTING FILING OF THIRD AMENDED COMPLAINT

Plaintiff Francisco Contreras is a prisoner currently incarcerated at New Castle Correctional Facility (“NCCF”). He filed this civil action alleging that he has been denied medical care for a painful hernia. Because the plaintiff is a “prisoner,” this Court has screened both his complaint and amended complaint before service on the defendants and dismissed those filings for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A(a), (c). Dkts. 15 &

18. Contreras now files his Second Amended Complaint, which is also subject to the same screening standard.

I. SCREENING STANDARD

When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). To determine whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). See *Schillinger v. Kiley*, 954 F.3d 990, 993 (7th Cir. 2020). Under that standard, a complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570

(2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court accepts Plaintiff’s factual allegations as true at the pleading stage but not his legal conclusions. See *Iqbal*, 556 U.S. at 678 (“we must take all of the factual allegations in the complaint as true,” but “we ‘are not bound to accept as true a legal conclusion couched as a factual allegation’ ”) (quoting *Twombly*, 550 U.S. at 555)). Finally, the Court construes pro se complaints liberally and holds them to a “less stringent standard than pleadings drafted by lawyers.” *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

II. THE SECOND AMENDED COMPLAINT

Contreras names the following Defendants in his Second Amended Complaint: Centurion Health Services, M. Runyon HCA, NP Johnson, S. Jacobs, John Doe, and Jane Doe. His factual allegations are accepted as true at the pleading stage. See *Lisby v. Henderson*, 74 F.4th 470, 472 (7th Cir. 2023). In March of 2016, Contreras made the IDOC Medical Department aware of a painful, massive hernia. He was transferred to NCCF in 2024 with the same excruciating pain and did not receive proper follow-up care. The defendants at NCCF were made aware of Contreras’s pain during facility intake and through his healthcare request forms and health care visits. Specifically, Contreras contends that NP Johnson, M. Runyon, S. Jacobs, and John and Jane Doe were “well aware also.” Dkt. 23 at 3. Contreras’s hernia was later confirmed by Meridian Radiology.

III. DISMISSAL OF SECOND AMENDED COMPLAINT

Applying the screening standard to the facts alleged in the complaint, the Second Amended Complaint must be dismissed for failure to state a claim upon which relief may be granted. First, Contreras fails to plead facts as to individual liability. Second, he fails to plead sufficient facts as to deliberate indifference of his serious medical needs pursuant to the Eighth Amendment. “[I]ndividual liability under § 1983 . . . requires personal involvement in the alleged constitutional deprivation.” *Colbert v. City of Chicago*, 851 F.3d 649, 657 (7th Cir. 2017) (internal quotation omitted). “The plaintiff must demonstrate a causal connection between (1) the sued officials and (2) the alleged misconduct.” *Id.* For a public official to be individually liable for a subordinate’s

constitutional violation, the official must both “(1) ‘know about the conduct’ and (2) facilitate, approve, condone, or turn a blind eye toward it.” *Gonzalez v.*

McHenry Cnty., 40 F.4th 824, 828 (7th Cir. 2022) (quoting *Kemp v. Fulton Cnty.*, 27 F.4th 491, 498 (7th Cir. 2022)). Contreras’s Second Amended Complaint contains the same fatal flaw as his previous complaint: he makes no allegations as to specific actions taken by any specific defendant. He merely states they were “well aware [of his pain] also.” He therefore fails to allege that any of the individual defendants were personally involved in the alleged denial of medical care. Moreover, for an inmate to state a claim under § 1983 for medical mistreatment or the denial of medical care, the prisoner must allege “acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). The standard is high. To state an Eighth Amendment deliberate indifference claim, Contreras must allege “(1) an objectively serious medical condition to which (2) a state official was deliberately, that is subjectively, indifferent.” *Johnson v. Dominguez*, 5 F.4th 818, 824 (7th Cir. 2021) (quoting *Whiting v. Wexford Health Sources, Inc.*, 839 F.3d 658, 662 (7th Cir. 2016)). Deliberate indifference exists only when an official “knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (construing *Estelle*). Contreras sufficiently alleges a serious medical condition: a painful hernia. But he fails to allege enough facts to allow an inference that any of the individual defendants were subjectively indifferent to his hernia. That Defendants were “aware” of his condition and that his condition persisted are not enough. For instance, he has not alleged how each defendant was made aware of his condition or what each defendant did or did not do in response to being made aware. Nor does he provide any dates or a timeline for the Court to determine how much time elapsed between when Defendants were made aware and medical care was provided. Without this factual detail, his allegations of deliberate indifference are conclusory, and the Court need not credit them. *Iqbal*, 556 U.S. at 678. Because the Court has been unable to identify a viable claim for relief against any particular defendant, Contreras’s Second Amended Complaint is subject to dismissal.

IV. OPPORTUNITY TO FILE A THIRD AMENDED COMPLAINT

Contreras has been given several opportunities to file a viable complaint. In light of the recent denial of his motion to appoint counsel and in the interest of justice, the Court will allow him one final opportunity to amend his complaint, after reviewing this Court’s order, he believes that he can state a viable claim for relief, consistent with the allegations he has already made. See *Tate v. SCR Med. Transp.*, 809 F.3d 343, 346 (7th Cir. 2015) (“We’ve often said that before dismissing a case under 28 U.S.C. § 1915(e)(2)(B)(ii) a judge should give the litigant, especially a pro se litigant, an opportunity to amend his complaint.”); *Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir. 2013). The plaintiff shall have through June 20, 2026, to file a third amended complaint. The third amended complaint must (a) contain a short and plain statement of the claim showing that the

plaintiff is entitled to relief, which is sufficient to provide the defendant with fair notice of the claim and its basis; (b) include a demand for the relief sought; and (c) identify what injury he claims to have suffered and what persons are responsible for each such injury. Specifically, he must allege specific interactions with and specific actions taken by the named defendants. The clerk is directed to include a copy of the prisoner civil rights complaint form along with the plaintiffs copy of this Order, which he must use if he files a third amended complaint. See Local Rule 8-1 (requiring pro se plaintiffs to use the clerk-provided form for claims under 42 U.S.C. § 1983). Any third amended complaint should have the proper case number, 1:25- cv-1278-JRO-TAB and the words “Third Amended Complaint” on the first page. The third amended complaint will completely replace the original. See *Beal v. Beller*, 847 F.3d 897, 901 (7th Cir. 2017) (“For pleading purposes, once an amended complaint is filed, the original complaint drops out of the picture.”). Therefore, it must set out every defendant, claim, and factual allegation the plaintiff wishes to pursue in this action. If the plaintiff files a third amended complaint, it will be screened pursuant to 28 U.S.C. § 1915A(b). If no amended complaint is filed, this action will be dismissed without further notice or opportunity to show cause. SO ORDERED. Date: 5/19/2026 Jusyin R. Olson United States District Judge Southern District of Indiana Distribution:

FRANCISCO CONTRERAS

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NEW CASTLE - CF

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