

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted June 30, 2026*

Decided July 22, 2026

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 25-2191

JESS MESSEL,
Plaintiff-Appellant,

v.

WEXFORD HEALTH SOURCES, INC.,
et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division.

No. 2:24-cv-00519-MPB-MJD

Matthew P. Brookman,
Judge.

ORDER

Jess Messel, an Indiana prisoner, appeals the judgment dismissing his claims against two prison doctors and their employers. *See* 42 U.S.C. § 1983. Messel alleges that his medical providers violated his rights under the Eighth Amendment by failing to adequately treat his heart condition, which caused him to suffer a stroke and permanent

* We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

nerve damage. The district court twice dismissed his complaint at screening for failure to state a claim. *See* 28 U.S.C. § 1915A. Because the allegations in Messel’s complaint are too conclusory to plausibly state a claim, we affirm.

Before his incarceration, Messel received two heart stents and was prescribed Plavix, a brand-name medication used to reduce the risk of stroke. The physicians who implanted the stents told him that he would need to take Plavix for the rest of his life and warned that discontinuing the drug could be life-threatening. After Messel was incarcerated at Wabash Valley Correctional Facility, however, his Plavix prescription was discontinued. Messel then suffered a stroke, which caused nerve damage in his toes and fingers. After the stroke, Messel’s physicians reinstated his Plavix prescription.

Messel then sued Wexford Health Sources, Inc. and Centurion Health of Indiana, LLC—the private companies contracted by Indiana to provide medical services in its prisons—alleging that they were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment by discontinuing his Plavix prescription.

At screening, 28 U.S.C. § 1915A, the district court explained that because liability under 42 U.S.C. § 1983 generally cannot be based on a theory of respondeat superior, Messel needed either to sue the physicians who ended his Plavix prescription, or to allege that he was deprived of Plavix based on a policy, practice, or custom of Wexford or Centurion.

Messel then filed an amended complaint adding two physicians, Dr. Samuel Byrd and Dr. Rajoli, as defendants and alleging that his prescription ended “while under the care of the defendants.” Messel also alleged that Wexford and Centurion maintained policies that harmed him, including “cutting out expensive medications and hiring ... doctors who are subpar.”

The district court dismissed Messel’s amended complaint with prejudice, concluding that Messel did not allege the physicians were personally involved in or responsible for terminating his Plavix prescription, and the alleged policies were not facially unconstitutional or obviously likely to place patients at risk of serious harm.

Messel appeals the judgment dismissing his amended complaint. We review dismissals under § 1915A *de novo*, applying the standard for ordinary Rule 12(b)(6) dismissals. *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). We therefore “accept the well-pleaded facts in the complaint as true, but legal conclusions and conclusory

allegations merely reciting the elements of the claim are not entitled to this presumption of truth.” *McCauley v. City of Chicago*, 671 F.3d 611, 616 (7th Cir. 2011).

We turn first to Messel’s claim against the physicians. Messel argues that he alleged a plausible claim that the physicians were deliberately indifferent to his serious medical needs. A prison physician violates the Eighth Amendment’s constraint against cruel and unusual punishment by acting with deliberate indifference to a prisoner’s serious medical need. *See Estelle v. Gamble*, 429 U.S. 97, 104 (1976). “To state a claim for deliberate indifference for deficient medical care, the plaintiff ‘must allege an objectively serious medical condition and an official’s deliberate indifference to that condition.’” *Cesal*, 851 F.3d at 721 (quoting *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)).

Here, Messel alleged that he suffered from a serious medical condition related to the stents in his heart, which required life-long treatment with Plavix. And he alleged that the physicians who implanted the stents warned him that discontinuing Plavix would be life-threatening, but that his prescription nevertheless was terminated “while under the care of the defendants.” As a result, Messel alleged, he suffered a stroke and permanent nerve damage.

Although Messel’s amended complaint attributes the decision to discontinue Plavix to the two named physicians, the remaining allegations are too sparse to plausibly support a finding that the physicians acted recklessly or intentionally disregarded a substantial risk of serious harm. *See Estelle*, 429 U.S. at 104. Messel did not allege that the physicians knew about the stents or that other physicians had warned that discontinuing Plavix would pose a serious risk. Indeed, Messel says nothing about the treatment he received from Dr. Byrd and Dr. Rajoli or their decision to discontinue his Plavix prescription. Instead, Messel provides only the conclusory allegation that they followed cost-cutting policies. Other than speculation, the complaint does nothing to tie the purported policies to his particular circumstance. In short, Messel has provided no related factual allegations from which we could infer that the doctors “actually kn[e]w about yet disregard[ed] a substantial risk of harm.” *Rasho v. Elyea*, 856 F.3d 469, 476 (7th Cir. 2017) (citing *Petties v. Carter*, 836 F.3d 722, 728 (7th Cir. 2016) (en banc)). Without further support, these facts are too sparse and conclusory to state a claim for deliberate indifference. *See Peterson v. Wexford Health Sources, Inc.*, 986 F.3d 746, 753 (7th Cir. 2021).

We next consider Messel’s claim against Wexford and Centurion. Messel argues that he sufficiently alleged that the corporations’ cost-saving policies and practice of

hiring unqualified physicians were a driving force behind the doctors' decision to discontinue his medication.

To state a claim against Wexford and Centurion, Messel was required to plausibly allege that the corporations maintained a widespread policy, custom, or practice that caused a deprivation of his constitutional rights. *See Monell v. Dep't Soc. Servs.*, 436 U.S. 658, 694–95 (1978); *Glisson v. Ind. Dep't of Corr.*, 849 F.3d 372, 378–79 (7th Cir. 2017) (en banc). Because Messel does not assert that Wexford and Centurion maintained policies that were facially unconstitutional, his allegations must plausibly support a finding that the corporations' policies or practices obviously would lead to constitutional violations. *See Clemons v. Wexford Health Sources, Inc.*, 106 F.4th 628, 638 (7th Cir. 2024). "The degree of specificity required is not easily quantified, but 'the plaintiff must give enough details about the subject-matter of the case to present a story that holds together.'" *McCauley*, 671 F.3d at 616 (quoting *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010)).

Here, Messel's allegations are too sparse and conclusory to state a plausible claim for relief. Messel alleges only that the corporate defendants maintained a practice of "cost savings measures," including "cutting out expensive medications and hiring and/or contracting doctors who are subpar and have had multiple lawsuits against them in the past." But these allegations are "legal conclusions or elements of the cause of action" that do not contribute to the plausibility analysis at the pleading stage. *Id.* at 618–19. Messel's amended complaint is devoid of any factual content from which we could plausibly infer that Wexford and Centurion maintained widespread practices that obviously would lead to constitutional violations or that were the "moving force" behind his particular injuries. *Monell*, 436 U.S. at 694. For example, he does not allege that anyone stated or even suggested that cost was the reason for discontinuing Plavix. Nor does he provide a basis to believe that Wexford and Centurion included Plavix (or similar drugs) in their cost-cutting measures.

AFFIRMED