

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

November 13, 2023

## Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-2672

STEVEN BROWN,

*Plaintiff-Appellant,*

*v.*

Appeal from the United States District  
Court for the Central District of Illinois.

FELICIA ADKINS, et al.,

*Defendants-Appellees.*

No. 20-CV-2016

Sue E. Myerscough,  
*Judge.*

## ORDER

On consideration of the petition for rehearing filed by Plaintiff-Appellant on October 23, 2023, all members of the original panel have voted to deny the petition for panel rehearing.

Accordingly, the petition for rehearing is hereby DENIED.

**NONPRECEDENTIAL DISPOSITION**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 September 18, 2023\*

Decided October 3, 2023

*Before*

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-2672

STEVEN BROWN,  
*Plaintiff-Appellant,*

Appeal from the United States District  
Court for the Central District of Illinois.

*v.*

No. 20-CV-2016

FELICIA ADKINS, et al.  
*Defendants-Appellees.*

Sue E. Myerscough,  
*Judge.*

**ORDER**

Steven Brown, an Illinois prisoner who suffers from vision problems in his right eye, sued his warden and a prison optometrist under 42 U.S.C. § 1983, alleging that they

---

\* We grant the request of Kim Larson to be removed as a defendant-appellee in her official capacity and substituted with Felicia Adkins, the current warden. See FED. R. APP. P. 43(c)(2). We have agreed to decide the case without oral argument because the briefs 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).

acted with deliberate indifference to his medical needs by delaying surgery and failing to issue sunglasses soon enough. The district court granted the defendants' motion for summary judgment. We affirm because no reasonable jury could find that the defendants consciously disregarded a risk to Brown's health or that any delay in visiting specialists and getting surgery caused him harm.

Because this appeal challenges summary judgment, we recount the facts in the light most favorable to Brown and draw all reasonable inferences in his favor. See *Donald v. Wexford Health Sources, Inc.*, 982 F.3d 451, 457 (7th Cir. 2020). While Brown was incarcerated at the Danville Correctional Center in Illinois, he began having difficulty seeing out of his right eye. He first submitted requests for treatment to Danville's medical unit on December 12, 2019, and was referred to a prison optometrist, Evelyn Moore, on January 6, 2020. Dr. Moore, in turn, referred Brown to an outside optometrist on an urgent basis after determining that he might benefit from further examination using equipment that was not available at the prison. Once the referral was approved, Brown visited Carle Physician Group, where the outside optometrist diagnosed him with a cataract and instructed Brown to consider surgery and return in February to consult with an ophthalmologist. Danville's medical director scheduled that appointment for early April but later rescheduled it to June because of the COVID-19 pandemic. (Brown testified that both appointments were for surgery, but Carle's records reflect that Brown had been recommended and booked only for a consultation.)

Dr. Moore saw Brown for the last time in March 2020. During that visit, she noted that Brown had been seen at Carle and added her own recommendation that he receive cataract surgery. She left her job at Danville shortly afterwards.

At the June 2020 visit to Carle, an ophthalmologist, Abou Cham, diagnosed Brown with a cataract and suspected glaucoma. Dr. Cham planned for non-emergency surgery to remove the cataract and prescribed eye drops for the glaucoma. Consistent with Dr. Cham's plan, prison officials approved a non-urgent referral for surgery, and the procedure was scheduled for August 19. Brown did not have surgery on that date, - No medical however, apparently because Dr. Cham then recommended a second procedure to place a stent in Brown's eye to treat his glaucoma. Both procedures were then scheduled for September 16, but they were rescheduled for security reasons and performed on September 30. Brown still suffers vision problems and believes that the surgeries occurred too late to be effective.

Meanwhile, Brown had repeatedly filed medical requests for sunglasses, insisting that he needed them to protect his eyes and that Dr. Cham had sent a pair to the prison for him after the June appointment. Non-party medical staff denied the requests, explaining that Brown was not to receive the sunglasses until after surgery.

While awaiting surgery, Brown sued Danville's then warden, Kim Larson, in her individual and official capacities, Dr. Moore, and two unidentified nurses, alleging that they were deliberately indifferent by ignoring his December 2019 medical requests, delaying the surgery, and refusing to provide him the medically necessary sunglasses. The district court screened the complaint, see 28 U.S.C. § 1915A, and allowed Brown to proceed on Eighth Amendment deliberate-indifference claims under 42 U.S.C. § 1983 against each defendant. (The district court later dismissed the nurses, and Brown does not argue on appeal that this was erroneous; he also does not discuss the official-capacity claims against then-warden Larson. We discuss these issues no further.)

During discovery, Brown filed a motion to compel, arguing that the defendants were improperly withholding copies of some of his medical requests and the identity of the Danville employees responsible for scheduling appointments. The district court did not immediately rule on the motion.

The defendants then moved for summary judgment. Dr. Moore argued that no reasonable jury could find for Brown because of her unrefuted attestation that she did not see or learn about his December 2019 medical requests, the evidence that she immediately referred him for further examination when she saw him in January 2020, and the lack of proof that any delay harmed him. Larson, too, attested that she did not see Brown's medical requests and argued that she was not involved in Brown's treatment. Larson additionally argued that even if she had been aware of Brown's condition, she was permitted to rely on the judgment of Brown's doctors. Both defendants also argued that no reasonable jury could find that they caused an intolerable delay in treatment because they were not responsible for reviewing medical requests or scheduling appointments. Brown responded that his request forms—only some of which he had entered into evidence—proved that the defendants had seen his requests, but he did not say how. (The forms that were the subject of his motion to compel still were not in the record.) He also asserted that Dr. Cham later told him the surgery would have resolved his vision problems if he had received it in February 2020.

The district court first assumed for summary judgment purposes that the defendants knew about Brown's requests and could control how quickly he received

treatment. (The court ruled that those assumptions mooted Brown's motion to compel production of the forms.) Therefore, the court explained, a reasonable jury could find that the defendants should have ensured that Brown saw an optometrist more quickly after his initial complaints. But, the court continued, no reasonable jury could find for Brown because he had provided no evidence that the delays had caused him harm. Indeed, the court noted, Brown's medical records established that his condition did not require emergency care. And the court rejected as inadmissible hearsay Brown's report of Dr. Cham's purported statement that an earlier surgery would have been more effective. Finally, the court ruled that no reasonable jury could find that failing to provide Brown with sunglasses put him at substantial risk of serious harm because no doctor had ordered Brown to wear sunglasses, and Brown provided no evidence that the lack of sunglasses worsened his condition.

We review the court's summary judgment decision de novo. *Donald*, 982 F.3d at 457. Prison officials violate the Eighth Amendment's prohibition on cruel and unusual punishment when they are deliberately indifferent to a prisoner's serious medical needs. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Deliberate indifference is more than negligence: Brown required evidence that the defendants consciously disregarded a serious risk to his health. *Id.* at 836–37. Because Brown alleged that the defendants delayed, rather than denied, his treatment, he also required evidence that the delay itself caused harm. See *Walker v. Wexford Health Sources, Inc.*, 940 F.3d 954, 964 (7th Cir. 2019).

Under that standard, we agree with the district court that no reasonable jury could find for Brown. First, Brown offered no evidence that any delay harmed him. Even if we (like the district court) assumed that Dr. Moore and Larson knew of and disregarded Brown's requests for care, Brown needed to provide medical evidence that the delay in surgery or denial of sunglasses caused him harm. See *id.*; *Jackson v. Pollion*, 733 F.3d 786, 790 (7th Cir. 2013). He did not; indeed, all the doctors who examined Brown after Dr. Moore concluded that his condition was not urgent, and none stated that he required sunglasses. Brown maintains that Dr. Cham told him that if he had received the surgery sooner, his vision problems would be over. But the district court did not abuse its discretion in concluding that Dr. Cham's statement was inadmissible hearsay: He did not express this purported opinion under oath, and Brown offered the out-of-court statement for its truth. See FED. R. EVID. 801(c); *MMG Fin. Corp. v. Midwest Amusements Park, LLC*, 630 F.3d 651, 656 (7th Cir. 2011). Brown does not argue that the statement is not hearsay or is covered by an exception to the rule that hearsay is inadmissible. See FED. RS. EVID. 801(d), 802.

Second, no reasonable jury could find that either defendant consciously disregarded Brown's medical needs. Because Dr. Moore is a medical professional, Brown needed sufficient evidence that she departed so substantially from accepted professional standards that she failed to exercise professional judgment at all. See *Whiting v. Wexford Health Sources, Inc.*, 839 F.3d 658, 663 (7th Cir. 2016). The undisputed evidence would preclude a reasonable jury from making that finding. At the January appointment, Dr. Moore immediately referred Brown to an outside specialist who could examine him with better equipment. See *Donald*, 982 F.3d at 462 (7th Cir. 2020) (affirming summary judgment for doctor who referred prisoner with eye issue on urgent basis to outside specialist upon first examination). The only other time Dr. Moore saw Brown, she noted his recent consultation with Dr. Cham and asked the appropriate officials to order surgery for Brown. And Larson, as a nonmedical administrator, was entitled to rely on the professional judgment of Brown's doctors, including their assessments that Brown did not need emergency surgery or sunglasses. See *Stewart v. Wexford Health Sources, Inc.*, 14 F.4th 757, 767–68 (7th Cir. 2021). That conclusion holds even if we, like the district court, draw the inference against the defendants that they were involved in scheduling Brown's treatment.

AFFIRMED

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

37,CLOSED,MERIT REVIEW HELD,MOTION/SJ,PRISONER,PROSE,SERVICE ORDERED

**U.S. District Court  
CENTRAL DISTRICT OF ILLINOIS (Urbana)  
CIVIL DOCKET FOR CASE #: 2:20-cv-02016-SEM-KLM**

Brown v. Larson et al

Assigned to: Judge Sue E Myerscough

Referred to: Magistrate Judge Karen L. McNaught

Case in other court: Seventh Circuit Court of Appeals, 22-02672

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/24/2020

Date Terminated: 06/29/2022

Jury Demand: Both

Nature of Suit: 555 Prisoner Petitions -  
Prison Conditions

Jurisdiction: Federal Question

**Plaintiff**

**Steven Brown**

represented by **Steven Brown**

N84576

DANVILLE

Danville Correctional Center

Inmate Mail/Parcels

3820 E Main St

Danville, IL 61834

217-446-0441

PRO SE

V.

**Defendant**

**Kim Larson**

represented by **Maria D Gray**

ILLINOIS ATTORNEY GENERAL

500 S Second St

Springfield, IL 62701

217-782-5819

Fax: 217-524-5091

Email: [Maria.Gray@ilag.gov](mailto:Maria.Gray@ilag.gov)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Defendant**

**Danville Health Care Unit**

**TERMINATED: 03/03/2020**

**Defendant**

**Unknown Nurse**

**Defendant**

**Evelyn Moore**

represented by **Andrew M Ramage**  
BROWN HAY & STEPHENS LLP  
Suite 1000  
205 S Fifth St  
Springfield, IL 62705-2459  
217-544-8491  
Fax: 217-241-1333  
Email: aramage@bhslaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Alyce Marie Grigsby**  
BROWN HAY & STEPHENS LLP  
Suite 1000  
205 S Fifth St  
Springfield, IL 62705-2459  
217-544-8491  
Email: agrigsby@bhslaw.com  
*TERMINATED: 09/02/2021*  
*ATTORNEY TO BE NOTICED*

**Anthony Daniel Schuering**  
BROWN HAY & STEPHENS LLP  
Suite 1000  
205 S Fifth St  
Springfield, IL 62705-2459  
217-544-8491  
Fax: 217-544-9609  
Email: aschuering@bhslaw.com  
*ATTORNEY TO BE NOTICED*

**Dylan Grady**  
BROWN HAY & STEPHENS LLP  
Suite 1000  
205 S Fifth St  
Springfield, IL 62705-2459  
217-544-8491  
Fax: 217-544-9609  
Email: dgrady@bhslaw.com  
*ATTORNEY TO BE NOTICED*

**Maria D Gray**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Unknown Nurse**

Date Filed	#	Docket Text
------------	---	-------------

01/24/2020	<u>1</u>	COMPLAINT against All Defendants, filed by Steven Brown.(KE, ilcd) (Entered: 01/24/2020)
01/24/2020	<u>2</u>	NOTICE OF CASE OPENING. Please be advised that your case has been assigned to Judge Sue E Myerscough. Effective immediately, all documents should be mailed or scanned to the Springfield Division, 600 E Monroe, Springfield,IL 62701.Merit Review Deadline set for 2/13/2020. (Attachments: # <u>1</u> Notice Regarding Privacy Issues)(KE, ilcd) (Entered: 01/24/2020)
01/24/2020	<u>3</u>	PETITION TO PROCEED IN FORMA PAUPERIS, filed by Steven Brown.(KE, ilcd) (Entered: 01/24/2020)
01/24/2020	<u>4</u>	MOTION to Request Counsel by Plaintiff Steven Brown. Responses due by 2/7/2020 (KE, ilcd) (Entered: 01/24/2020)
01/24/2020	<u>5</u>	Letter from Clerk of the Court requesting Trust Fund Ledgers. (KE, ilcd) (Entered: 01/24/2020)
01/27/2020	<u>6</u>	<b>+++ PRISONER TRUST FUND LEDGER by Steven Brown. (KE, ilcd) (Entered: 01/27/2020)</b>
01/27/2020		TEXT ORDER granting <u>3</u> Petition to Proceed In Forma Pauperis entered by Judge Sue E. Myerscough on 1/27/2020. Pursuant to 28 U.S.C. Section 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$3.00. The agency having custody of Plaintiff is directed to forward the initial partial filing fee from Plaintiff's account to the Clerk of Court. After payment of the initial partial filing fee (or immediately if no funds are available for that payment) the agency having custody of Plaintiff is directed to make monthly payments of 20 percent of the preceding month's income credited to Plaintiff's account to the Clerk of Court. Income includes all deposits from any source. The agency having custody of the plaintiff shall forward these payments each time Plaintiff's account exceeds \$10, until the filing fee of \$350 is paid in full. The Clerk is directed to mail a copy of this order to Plaintiff's place of confinement, to the attention of the Trust Fund Office. (KE, ilcd) (Entered: 01/27/2020)
02/25/2020	<u>7</u>	MERIT REVIEW ORDER entered by Judge Sue E. Myerscough on 2/25/2020. Plaintiff's complaint is dismissed without prejudice for failure to state a claim pursuant to 28 U.S.C. Sec 1915A. Plaintiff may file an amended complaint by March 27, 2020. If Plaintiff does not file an amended complaint or Plaintiff's amended complaint still fails to state a claim, then this action will be dismissed for failure to state a claim and a strike will be assessed against Plaintiff pursuant to 28 U.S.C. 1915(g). If Plaintiff files an amended complaint, the amended complaint will replace the original complaint. Piecemeal amendments are not permitted. Plaintiff's complaint is dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) and 28 U.S.C. Sec 1915A. See written order. (KE, ilcd) (Entered: 02/25/2020)
03/03/2020	<u>8</u>	MOTION FOR LEAVE TO FILE AMENDED COMPLAINT against. Larson, Moore, Unknown Nurse and Unknown Nurse, filed by Steven Brown. (GL, ilcd) Modified on 3/6/2020 to correct title. (KE, ilcd). (Entered: 03/04/2020)
03/31/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 3/31/2020. Plaintiff's motion for the Court to appoint counsel is denied <u>4</u> , with leave to renew after Plaintiff demonstrates that he has made reasonable efforts to find counsel on his own. Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). This typically requires writing to several lawyers and attaching the responses. If Plaintiff renews his motion,

		he should set forth how far he has gone in school, any jobs he has held inside and outside of prison, any classes he has taken in prison, and any prior litigation experience he has. (KE, ilcd) (Entered: 03/31/2020)
04/29/2020	<u>9</u>	MOTION for Medical Treatment by Plaintiff Steven Brown. Responses due by 5/13/2020. (GL, ilcd) (Entered: 04/29/2020)
05/01/2020	<u>10</u>	SECOND MERIT REVIEW ORDER entered by Judge Sue E. Myerscough on 5/1/2020. Pursuant to its merit review of the Complaint under 28 U.S.C. Sec 1915A, the Court finds that Plaintiff states a constitutional claim for deliberate indifference to Plaintiff's serious need for medical attention regarding his eye condition. This case proceeds solely on the claims identified in this paragraph. Any additional claims shall not be included in the case, except at the Court's discretion on motion by a party for good cause shown or pursuant to Federal Rule of Civil Procedure 15. Plaintiff's motion for leave to file an amended complaint is granted. <u>8</u> . The clerk is directed to separately docket the amended complaint. Plaintiff's "motion to show a furtherance in denial of medical treatment" is denied to the extent Plaintiff seeks action from the Court at this time. <u>9</u> . Once defense counsel has filed an appearance, Plaintiff may file a motion for sunglasses/cataract surgery. The clerk is directed to separately docket Plaintiff's renewed motion for counsel, which is currently attached to motion nine in the docket. Plaintiff's motion for the Court to attempt to recruit pro bono counsel to represent him is denied. The Clerk is directed to enter the standard qualified protective order pursuant to the Health Insurance Portability and Accountability Act. See written order. (KE, ilcd) (Entered: 05/01/2020)
05/01/2020	<u>11</u>	AMENDED COMPLAINT against All Defendants, filed by Steven Brown.(KE, ilcd) (Entered: 05/01/2020)
05/01/2020	<u>12</u>	MOTION to Request Counsel by Plaintiff Steven Brown. Responses due by 5/15/2020 (KE, ilcd) (Entered: 05/01/2020)
05/01/2020		TEXT ORDER entered by Judge Sue E. Myerscough on 5/1/2020.Pursuant to the Merit Review Order <u>10</u> entered on 5/1/2020, the Motion to Request Counsel <u>12</u> is denied. (KE, ilcd) (Entered: 05/01/2020)
05/01/2020	<u>13</u>	HIPAA QUALIFIED PROTECTIVE ORDER entered by Judge Sue E. Myerscough on 5/1/2020. See written order. (KE, ilcd) (Entered: 05/01/2020)
05/01/2020	<u>14</u>	REQUEST FOR WAIVER OF SERVICE and Notice of Lawsuit sent to Larson and Moore on 5/1/2020. (Attachments: # <u>1</u> Waiver Larson)(KE, ilcd) (Entered: 05/01/2020)
05/12/2020	<u>15</u>	WAIVER OF SERVICE Returned Executed. Optometrist Moore waiver sent on 5/1/2020, answer due 6/30/2020. (ME, ilcd) (Entered: 05/12/2020)
05/18/2020	<u>16</u>	WAIVER OF SERVICE Returned Executed by Steven Brown. Warden Larson waiver sent on 5/1/2020, answer due 6/30/2020. (GL, ilcd) (Entered: 05/19/2020)
06/19/2020	<u>17</u>	NOTICE of Appearance of Attorney by Andrew M Ramage on behalf of Moore (Ramage, Andrew) (Entered: 06/19/2020)
06/19/2020	<u>18</u>	NOTICE of Appearance of Attorney by Alyce Marie Grigsby on behalf of Moore (Grigsby, Alyce) (Entered: 06/19/2020)
06/23/2020	<u>19</u>	WAIVER OF SERVICE Returned Executed by Steven Brown. (KE, ilcd) (Entered: 06/23/2020)

06/23/2020	<u>20</u>	NOTICE of Appearance of Attorney by Maria D Gray on behalf of. Larson (Gray, Maria) (Entered: 06/23/2020)
06/25/2020	<u>21</u>	MOTION to Compel by Plaintiff Steven Brown. Responses due by 7/9/2020. (GL, ilcd) (Entered: 06/25/2020)
06/25/2020	<u>22</u>	RESPONSE to Motion re <u>21</u> MOTION to Compel filed by Defendant Moore. (Ramage, Andrew) (Entered: 06/25/2020)
06/26/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 6/26/2020. Plaintiff has filed a document titled "motion to compel" in which he objects to signing a release for Defendants to obtain Plaintiff's medical and mental health records. Plaintiff maintains that his understanding is that Defendants need to file a motion in order to obtain those records. Paragraph 10 of the Court's second merit review order directs Plaintiff to sign a release for medical records. The Court's standard scheduling order, when entered, will direct Defendants to provide a copy of Plaintiff's medical records to Plaintiff. These provisions help expedite discovery and help ensure the Plaintiff receives his relevant medical records. Plaintiff claims lack of medical care for his eye condition, so Plaintiff's medical records are relevant. Plaintiff also claims that he suffered anxiety and distress, so his mental health records are arguably relevant. Plaintiff's motion is denied. <u>21</u> . By July 8, 2020, Plaintiff is directed to sign the releases and mail them to defense counsel. (KE, ilcd) (Entered: 06/26/2020)
06/30/2020	<u>23</u>	ANSWER to <u>11</u> Amended Complaint <i>and Affirmative Defenses</i> by Moore.(Ramage, Andrew) (Entered: 06/30/2020)
06/30/2020	<u>24</u>	ANSWER AND AFFIRMATIVE DEFENSES by Defendant. Larson. (Gray, Maria) Modified on 6/30/2020 to add Answer. (KE, ilcd). (Entered: 06/30/2020)
06/30/2020	<u>25</u>	SCHEDULING ORDER entered by Judge Sue E. Myerscough on 6/30/2020. Discovery due by 10/30/2020. Motions due by 11/30/2020. See written order. (Attachments: # <u>1</u> Consent Packet)(KE, ilcd) (Entered: 06/30/2020)
07/01/2020	<u>26</u>	ANSWER to <u>1</u> Complaint AND AFFIRMATIVE DEFENSES by Kim Larson.(Gray, Maria) (Entered: 07/01/2020)
07/09/2020	<u>27</u>	MOTION for Leave to File Amended Complaint by Plaintiff Steven Brown. Responses due by 7/23/2020. (GL, ilcd) (Entered: 07/09/2020)
07/14/2020	<u>28</u>	CERTIFICATE of Service/Counsel <i>Subpoena to Produce Documents</i> by Andrew M Ramage on behalf of Evelyn Moore (Ramage, Andrew) (Entered: 07/14/2020)
07/14/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 7/14/2020. Plaintiff's motion for leave to file an amended complaint is denied <u>27</u> , with leave to renew attaching the amended complaint. (KE, ilcd) (Entered: 07/14/2020)
07/21/2020	<u>29</u>	MOTION to Reiterate re <u>9</u> MOTION for Medical Treatment by Plaintiff Steven Brown. Responses due by 8/4/2020 (ME, ilcd) (Entered: 07/21/2020)
07/22/2020	<u>30</u>	MOTION for Extension of Time to File <i>Dispositive Motion on Exhaustion</i> by Defendant Evelyn Moore. Responses due by 8/5/2020 (Grigsby, Alyce) (Entered: 07/22/2020)
07/28/2020	<u>31</u>	Response by Steven Brown and Objection re <u>26</u> Answer to Complaint by Defendant Kim Larson. (GL, ilcd) (Entered: 07/28/2020)

07/28/2020	<u>32</u>	Response by Steven Brown and Objection re <u>23</u> Answer to Amended Complaint by Defendant Evelyn Moore. (GL, ilcd) (Entered: 07/28/2020)
07/30/2020	<u>33</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by Defendant Kim Larson. Responses due by 8/13/2020 (Gray, Maria) (Entered: 07/30/2020)
08/10/2020	<u>34</u>	MOTION for Extension of Time to Complete Discovery by Defendant Evelyn Moore. Responses due by 8/24/2020 (Grigsby, Alyce) (Entered: 08/10/2020)
08/14/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 8/14/2020. Plaintiff's "motion to reiterate" is essentially an argument in support of his claims. The motion is denied to the extent Plaintiff seeks action from the Court. <u>29</u> . After Defendants have filed their summary judgment motions, Plaintiff will have an opportunity to argue in support of his claims when he files a response. Defendant Larson's motion to extend the dispositive motion deadline for filing a summary judgment motion on exhaustion is granted. <u>33</u> . The deadline for filing a summary judgment motion on exhaustion is extended for all parties to August 28, 2020. (KE, ilcd) (Entered: 08/14/2020)
08/17/2020	<u>35</u>	CERTIFICATE OF SERVICE by Evelyn Moore <i>initial disclosures</i> (Grigsby, Alyce) (Entered: 08/17/2020)
08/21/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 8/21/2020. Defendant Moore's motion to extend her deadline for responding to Plaintiff's discovery requests is granted. That deadline is extended to August 31, 2020. Defendant Moore's motion to extend the dispositive motion deadline on exhaustion is moot. <u>30</u> . (KE, ilcd) Modified on 8/24/2020 to correct typographical error (SAG, ilcd). (Entered: 08/21/2020)
08/28/2020	<u>36</u>	Second MOTION for Extension of Time to File <i>Dispositive Motion in re Exhaustion</i> by Defendant Kim Larson. Responses due by 9/11/2020 (Gray, Maria) (Entered: 08/28/2020)
08/28/2020	<u>37</u>	MOTION for Summary Judgment <i>Exhaustion of Administrative Remedies</i> by Defendant Evelyn Moore. Responses due by 9/18/2020 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Grigsby, Alyce) (Entered: 08/28/2020)
08/28/2020	<u>38</u>	RULE 56 NOTICE entered re <u>37</u> MOTION for Summary Judgment <i>Exhaustion of Administrative Remedies</i> . Defendant Brown to receive via scanning facility. (GL, ilcd) (Entered: 08/28/2020)
08/28/2020	<u>39</u>	MOTION to Stay <i>DISCOVERY PENDING RESOLUTION OF MOTION FOR SUMMARY JUDGMENT</i> by Defendant Evelyn Moore. Responses due by 9/11/2020 (Grigsby, Alyce) (Entered: 08/28/2020)
09/02/2020	<u>40</u>	RESPONSE to Motion re <u>37</u> MOTION for Summary Judgment <i>Exhaustion of Administrative Remedies</i> , and <u>39</u> MOTION to Stay <i>DISCOVERY PENDING RESOLUTION OF MOTION FOR SUMMARY JUDGMENT</i> (titled Reply to Exhaustion and Discovery) filed by Plaintiff Steven Brown. (GL, ilcd) (Entered: 09/02/2020)
09/02/2020	<u>41</u>	MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> by Defendant Kim Larson. Responses due by 9/23/2020 (Gray, Maria) (Entered: 09/02/2020)

09/02/2020	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> filed by Defendant Kim Larson. (Gray, Maria) (Entered: 09/02/2020)
09/03/2020	<u>43</u>	RULE 56 NOTICE entered re <u>41</u> MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> . Plaintiff to receive Rule 56 Notice via scanning facility. (GL, ilcd) (Entered: 09/03/2020)
09/11/2020	<u>44</u>	RESPONSE to Motion re <u>41</u> MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> (titled Reply to Exhaustion Only) filed by Plaintiff Steven Brown. (GL, ilcd) (Entered: 09/11/2020)
09/24/2020	<u>45</u>	MOTION for Extension of Time to File Response/Reply as to <u>44</u> Response to Motion by Defendant Kim Larson. Responses due by 10/8/2020 (Gray, Maria) (Entered: 09/24/2020)
09/28/2020	<u>46</u>	CERTIFICATE OF SERVICE by Evelyn Moore <i>Defendant's Expert Disclosures</i> (Grigsby, Alyce) (Entered: 09/28/2020)
10/02/2020	<u>47</u>	REPLY to Response to Motion re <u>41</u> MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> filed by Defendant Kim Larson. (Gray, Maria) (Entered: 10/02/2020)
10/02/2020	<u>48</u>	CERTIFICATE of Service/Counsel <i>Response to Request to Produce Part 1 and 2</i> by Andrew M Ramage on behalf of Evelyn Moore (Ramage, Andrew) (Entered: 10/02/2020)
10/07/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 10/7/2020. Defendant Larson's motion to extend the deadline for dispositive motions on exhaustion is granted. <u>36</u> . Defendant Moore's motion to stay discovery pending a ruling on the motions for summary judgment on exhaustion is granted. <u>39</u> . (KE, ilcd) (Entered: 10/07/2020)
10/15/2020	<u>49</u>	SURREPLY to Reply <u>47</u> to Response to Motion re <u>41</u> MOTION for Summary Judgment <i>on the Issue of Exhaustion</i> (titled Motion to Deny Defendant's Summary Judgment and Failure to Exhaust) filed by Plaintiff Steven Brown. (GL, ilcd) (Entered: 10/15/2020)
10/19/2020		Prisoner Initial Partial Filing Fee received 10/19/20, in the amount of \$1.97; receipt number 24626009623. (TC, ilcd) (Entered: 10/19/2020)
10/21/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 10/21/2020. The motion to extend the reply deadline filed by Defendant Larson is granted. <u>45</u> . Defendant Larson's reply has been filed. (KE, ilcd) (Entered: 10/21/2020)
10/30/2020	<u>50</u>	MOTION re <u>39</u> MOTION to Stay <i>DISCOVERY PENDING RESOLUTION OF MOTION FOR SUMMARY JUDGMENT (Join)</i> by Defendant Kim Larson. Responses due by 11/13/2020 (Gray, Maria) (Entered: 10/30/2020)
11/02/2020		TEXT ORDER entered by Judge Sue E. Myerscough on 11/2/2020. Defendants' motions for summary judgment on exhaustion are denied <u>37</u> , <u>41</u> , with leave to renew by December 1, 2020, attaching the grievances Plaintiff filed in December 2019 and January 2020 and the responses he received. The parties discuss certain grievances, but the grievances are not in the record. Discovery on the merits remains stayed until the exhaustion issue is decided. Defendants' motion to stay discovery on the merits is moot. <u>50</u> . (KE, ilcd) (Entered: 11/02/2020)

12/01/2020	<u>51</u>	MOTION for Summary Judgment ( <i>Renewed</i> ) on the Issue of Exhaustion of Administrative Remedies by Defendant Evelyn Moore. Responses due by 12/22/2020 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Grigsby, Alyce) (Entered: 12/01/2020)
12/01/2020	<u>52</u>	RULE 56 NOTICE entered re <u>51</u> MOTION for Summary Judgment ( <i>Renewed</i> ) on the Issue of Exhaustion of Administrative Remedies. Plaintiff to receive via scanning facility. (GL, ilcd) (Entered: 12/01/2020)
12/01/2020	<u>53</u>	MOTION for Extension of Time to File <i>Renewed Motion for Summary Judgment on the Issue of Exhaustion</i> by Defendant Kim Larson. Responses due by 12/15/2020 (Gray, Maria) (Entered: 12/01/2020)
12/02/2020		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 12/2/2020. Defendant Larson's motion to extend the deadline for renewing motion for summary judgment on exhaustion is granted. <u>53</u> . The deadline for Defendant Larson's renewed motion for summary judgment is December 15, 2020. (KE, ilcd) (Entered: 12/02/2020)
12/03/2020	<u>54</u>	NOTICE of Appearance of Attorney by Dylan Grady on behalf of Evelyn Moore (Grady, Dylan) (Entered: 12/03/2020)
12/15/2020	<u>55</u>	MOTION for Summary Judgment ( <i>Renewed</i> ) by Defendant Kim Larson. Responses due by 1/5/2021 (Gray, Maria) (Entered: 12/15/2020)
12/15/2020	<u>56</u>	MEMORANDUM of Law in Support of Renewed Motion for Summary Judgment by Kim Larson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Gray, Maria) (Entered: 12/15/2020)
12/15/2020	<u>57</u>	RULE 56 NOTICE entered re <u>55</u> MOTION for Summary Judgment. ( <i>Renewed</i> ) Plaintiff received notice via scanning facility. (GL, ilcd) (Entered: 12/15/2020)
01/05/2021	<u>58</u>	RESPONSE to Motion re <u>55</u> MOTION for Summary Judgment ( <i>Renewed</i> ) (titled Reply and Reiterate to Deny Summary Judgment and Exhaustion Claim) filed by Plaintiff Steven Brown. (GL, ilcd) (Entered: 01/05/2021)
04/07/2021	<u>59</u>	MOTION for Disposition by Plaintiff Steven Brown. Responses due by 4/21/2021. (GL) (Entered: 04/07/2021)
04/23/2021		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 4/23/2021. Plaintiff's motion for status is granted. <u>59</u> . The clerk is directed to send Plaintiff a copy of the docket sheet. (KE) (Entered: 04/23/2021)
04/23/2021	<u>60</u>	Remark: Docket Sheet to Plaintiff pursuant to Text Order entered 4/23/2021. (KE) (Entered: 04/23/2021)
06/10/2021		TEXT ORDER Entered by Judge Sue E. Myerscough on 6/10/2021. Plaintiff proceeds on claims alleging indifference to his eye condition. Defendants have filed renewed motions for summary judgment on exhaustion, which are denied. <u>51</u> , <u>55</u> . Plaintiff's December 2019 grievance was rejected at the counselor level first for failing to use the correct mailbox and then for failing to provide dates. "Administrative remedies may be effectively unavailable if prison officials 'erroneously inform an inmate that the remedy does not exist or inaccurately describe the steps he needs to take to pursue it.'" Davis v. Mason, 881 F.3d 982, 986 (7th Cir. 2018) ("the grievance coordinator kept rejecting Davis's grievances based on his purported noncompliance with unannounced or unexplained requirements."). Nowhere on the form or in the regulations is a

		requirement to use a specific mailbox, and the date of the event at issue was plain from Plaintiff's complaint that he was currently experiencing eye issues. Plaintiff could not appeal the counselor's refusal to respond to the grievance and could not get past the counselor level. The clerk is directed to enter the standard scheduling order.(KB) (Entered: 06/10/2021)
06/11/2021	<u>61</u>	SCHEDULING ORDER Entered by Magistrate Judge Tom Schanzle-Haskins on 6/11/2021. Discovery closes 10/11/2021. Summary Judgment Motions are due by 11/11/2021. (See Written Order) (KB) (Additional attachment(s) added on 6/15/2021: # <u>1</u> Consent Packet) (KB). (Entered: 06/11/2021)
06/25/2021	<u>62</u>	MOTION to Consent to Magistrate Judge by Plaintiff Steven Brown. Responses due by 7/9/2021. (GL) (Entered: 06/25/2021)
06/25/2021	<u>63</u>	MOTION for Leave to File Amended Complaint by Plaintiff Steven Brown. Responses due by 7/9/2021. (GL) (Entered: 06/25/2021)
07/01/2021	<u>64</u>	CERTIFICATE of Service/Counsel <i>Certificate of Filing and Service of Subpoenas</i> by Dylan Grady on behalf of Evelyn Moore (Grady, Dylan) (Entered: 07/01/2021)
07/12/2021	<u>65</u>	MOTION for Leave to File <i>Supplement Motion for Summary Judgment Regarding Exhaustion</i> , MOTION for Reconsideration of <i>Courts Summary Judgment Ruling</i> by Defendant Evelyn Moore. Responses due by 7/26/2021 (Grady, Dylan) (Entered: 07/12/2021)
07/14/2021		TEXT ORDER Entered by Judge Sue E. Myerscough on 7/14/2021. Plaintiff's motion to consent to the Magistrate Judge is granted <u>62</u> to the extent the clerk has emailed Plaintiff's consent to defense counsel for consideration. If Defendants consent, this case will be transferred to the Magistrate Judge. Plaintiff's motion for leave to file an amended complaint after he receives documents from Defendants is denied as premature. <u>63</u> If the amended complaint deadline passes before Plaintiff receives the information necessary to file an amended complaint, Plaintiff may file a motion for leave to file a late amended complaint, explaining the circumstances. (KB) (Entered: 07/14/2021)
07/27/2021	<u>66</u>	Plaintiff's OBJECTION to <u>65</u> Defendant E. Moore MOTION for Reconsideration of <i>Courts Summary Judgment Ruling</i> by Steven Brown. (GL) (Entered: 07/27/2021)
08/17/2021	<u>67</u>	NOTICE of Appearance of Attorney by Anthony Daniel Schuering on behalf of Evelyn Moore (Schuering, Anthony) (Entered: 08/17/2021)
08/18/2021	<u>68</u>	MOTION to Substitute Attorney, Alyce M. Grigsby to be replaced by Andrew M. Ramage, by Defendant Evelyn Moore. Responses due by 9/1/2021 (Ramage, Andrew) (Entered: 08/18/2021)
08/18/2021	<u>69</u>	CERTIFICATE of Service/Counsel of <i>Supplemental Disclosures</i> by Andrew M Ramage on behalf of Evelyn Moore (Ramage, Andrew) (Entered: 08/18/2021)
09/02/2021		TEXT ORDER entered by Magistrate Judge Tom Schanzle-Haskins on 9/2/2021. The motion to substitute is granted. <u>68</u> The clerk is directed to terminate Attorney Grigsby. (KB) (Entered: 09/02/2021)
10/08/2021	<u>70</u>	Joint MOTION to Amend/Correct <u>61</u> Prisoner Scheduling Order, by Defendant Kim Larson. Responses due by 10/22/2021 (Gray, Maria) (Entered: 10/08/2021)

10/12/2021	<u>71</u>	MOTION to Compel by Plaintiff Steven Brown. Responses due by 10/26/2021 (Attachments: # <u>1</u> Exhibits)(KE) (Additional attachment(s) added on 10/12/2021: # <u>2</u> Exhibit) (KE). (Entered: 10/12/2021)
10/12/2021		TEXT ORDER Entered by Magistrate Judge Tom Schanzle-Haskins on 10/12/2021. Defendants' motion to amend the scheduling order is granted. <u>70</u> Discovery is extended to October 26, 2021 for the sole purpose of taking Plaintiff's deposition. The dispositive motion deadline is extended to December 10, 2021.(KB) (Entered: 10/12/2021)
10/14/2021		TEXT ORDER entered by Judge Sue E. Myerscough on 10/14/2021. On June 10, 2021, the Court denied Defendants' motions for summary judgment on exhaustion because the grievance process was unavailable to Plaintiff when he tried to file a grievance in December 2019. Defendant Moore's motion for leave to file an alternative argument in support of her exhaustion motion is granted to the extent the Court will consider the argument but denied to the extent Defendant Moore seeks reconsideration of the 6/10/21 order. <u>65</u> Defendant Moore argues that the December 2019 grievance did not mention her by name. However, the December 2019 grievance did refer to Plaintiff's inability to see an eye doctor despite his repeated requests. Defendant Moore does not dispute that she was the eye doctor to which Plaintiff referred. Plaintiff's reference to "Brown" in the grievance is a third person reference to Plaintiff himself, not to the name of the eye doctor. Whether Defendant Moore knew about Plaintiff's inability to see Defendant Moore is question that must await summary judgment. Additionally, even if Plaintiff was required to put the grievance in a particular mailbox, there is no explanation why Plaintiff's grievance was then denied because he failed to list dates. Plaintiff's grievance complained of a continuing current inability to see the eye doctor as of the date the grievance was filed. Defendant Moore's motion for summary judgment on exhaustion remains denied. (KB) (Entered: 10/14/2021)
10/22/2021	<u>72</u>	NOTICE of Witness for Plaintiff by Steven Brown. (GL) (Entered: 10/22/2021)
10/26/2021	<u>73</u>	RESPONSE to Motion re <u>71</u> MOTION to Compel filed by Defendant Evelyn Moore. (Attachments: # <u>1</u> Exhibit 1)(Grady, Dylan) (Entered: 10/26/2021)
11/30/2021	<u>74</u>	CERTIFICATE OF SERVICE by Evelyn Moore (Grady, Dylan) (Entered: 11/30/2021)
12/02/2021	<u>75</u>	MOTION for Leave to File Amended Complaint by Plaintiff Steven Brown. Responses due by 12/16/2021 (Attachments: # <u>1</u> Amended Complaint, # <u>2</u> Exhibits, # <u>3</u> Blank IFP)(KE) (Entered: 12/02/2021)
12/02/2021	<u>76</u>	MOTION to Request Counsel by Plaintiff Steven Brown. Responses due by 12/16/2021 (KE) (Entered: 12/02/2021)
12/06/2021	<u>77</u>	CERTIFICATE of Service/Counsel <i>DEFENDANTS SECOND SUPPLEMENTAL RULE 26 DISCLOSURES</i> by Andrew M Ramage on behalf of Evelyn Moore (Ramage, Andrew) (Entered: 12/06/2021)
12/07/2021	<u>78</u>	MOTION for Extension of Time to File by Defendants Kim Larson, Evelyn Moore. Responses due by 12/21/2021 (Grady, Dylan) (Entered: 12/07/2021)
12/08/2021		TEXT ORDER entered by Judge Sue E. Myerscough on 12/8/2021. Defendants' motion to extend the dispositive motion deadline to January 14, 2022 is granted. <u>78</u> Plaintiff's motion for leave to file an amended complaint is denied. <u>75</u> Plaintiff appears to seek to amend his request for relief to include millions of dollars in compensatory damages. If this case survives summary judgment, Plaintiff may ask the jury to award

		money damages. Plaintiff's renewed motion for counsel is denied for the reasons stated in the Court's order of 5/1/2020. <u>76</u> Additionally, Plaintiff does not identify any reason why he is unable to continue proceeding pro se. Plaintiff has filed cogent motions and objections and appears to have been able to obtain and conduct discovery. A separate order will enter ruling on Plaintiff's motion to compel. (KB) (Entered: 12/08/2021)
01/04/2022	<u>79</u>	MOTION for Reconsideration re Text Order on Motion for Leave to File Amended Complaint by Plaintiff Steven Brown. Responses due by 1/18/2022 (KE) (Entered: 01/04/2022)
01/13/2022	<u>80</u>	Joint MOTION to Amend/Correct <i>Scheduling Order</i> by Defendant Evelyn Moore. Responses due by 1/27/2022 (Schuering, Anthony) (Entered: 01/13/2022)
01/14/2022		TEXT ORDER entered by Judge Sue E. Myerscough on 1/14/2022. Defendants' motion to amend the scheduling order is granted. <u>80</u> The dispositive motion deadline is extended to February 7, 2022. Plaintiff's motion for reconsideration of the denial of his motion to amend his complaint is denied. <u>79</u> This case is about the lack of constitutionally adequate treatment for Plaintiff's eye condition, and discovery has closed. Adding new claims about protection from COVID-19 against new defendants would unduly delay this case and unduly prejudice Defendants. (KB) (Entered: 01/14/2022)
01/18/2022	<u>81</u>	RESPONSE to Motion re <u>80</u> Joint MOTION to Amend/Correct <i>Scheduling Order</i> filed by Plaintiff Steven Brown. (KE) (Entered: 01/18/2022)
02/07/2022	<u>82</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by Defendant Kim Larson. Responses due by 2/22/2022 (Gray, Maria) (Entered: 02/07/2022)
02/07/2022	<u>83</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by Defendant Evelyn Moore. Responses due by 2/22/2022 (Grady, Dylan) (Entered: 02/07/2022)
02/14/2022	<u>84</u>	MOTION for Summary Judgment by Defendant Kim Larson. Responses due by 3/7/2022 (Gray, Maria) (Entered: 02/14/2022)
02/14/2022	<u>85</u>	MEMORANDUM in Support re <u>84</u> MOTION for Summary Judgment filed by Defendant Kim Larson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Gray, Maria) (Entered: 02/14/2022)
02/14/2022	<u>86</u>	NOTICE re <u>85</u> Memorandum in Support of Motion, <u>84</u> MOTION for Summary Judgment (Gray, Maria) (Entered: 02/14/2022)
02/14/2022	<u>87</u>	STRICKEN pursuant to Text Order entered on 3/28/2022 by U.S. Magistrate Judge Long: MOTION for Summary Judgment by Defendant Evelyn Moore. Responses due by 3/7/2022 (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4A, # <u>5</u> Exhibit 4B, # <u>6</u> Exhibit 5)(Grady, Dylan) Modified on 3/28/2022 to strike Motion (KB). (Entered: 02/14/2022)
02/15/2022	<u>88</u>	Exhibit re <u>85</u> Memorandum in Support of Motion by Kim Larson. (Gray, Maria) (Entered: 02/15/2022)
02/15/2022	<u>89</u>	MOTION to Amend/Correct <u>87</u> MOTION for Summary Judgment by Defendant Evelyn Moore. Responses due by 3/1/2022 (Attachments: # <u>1</u> Amended Motion for Summary Judgment, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4A, # <u>6</u> Exhibit 4B, # <u>7</u> Exhibit 5)(Grady, Dylan) (Entered: 02/15/2022)

02/16/2022	<u>90</u>	RULE 56 NOTICE entered by Clerk regarding <u>84</u> MOTION for Summary Judgment and <u>87</u> MOTION for Summary Judgment . (KB) (Entered: 02/16/2022)
02/22/2022	<u>91</u>	MOTION for Extension of Time to File Response/Reply as to <u>84</u> MOTION for Summary Judgment , <u>87</u> MOTION for Summary Judgment by Plaintiff Steven Brown. Responses due by 3/8/2022 (KE) (Entered: 02/22/2022)
03/23/2022	<u>92</u>	RESPONSE to Motion re <u>84</u> MOTION for Summary Judgment filed by Plaintiff Steven Brown. (KE) (Additional attachment(s) added on 3/23/2022: # <u>1</u> Exhibits) (KE). (Entered: 03/23/2022)
03/23/2022	<u>93</u>	RESPONSE to Motion re <u>87</u> MOTION for Summary Judgment filed by Plaintiff Steven Brown. (Attachments: # <u>1</u> Exhibits)(KE) (Entered: 03/23/2022)
03/28/2022		TEXT ORDER entered by Magistrate Judge Eric I. Long on 3/28/2022. Defendants' motions to extend the deadline for filing their summary judgment motions are granted. <u>82</u> , <u>83</u> Defendants have filed their summary judgment motions within the requested extensions. Defendant Moore's unopposed motion to file an amended motion for summary judgment to replace Defendant Moore's original motion for summary judgment is granted. <u>89</u> The clerk is directed to separately docket the amended motion for summary judgment. The clerk is directed to strike Defendant Moore's original motion for summary judgment. <u>87</u> Plaintiff's motion to extend his response deadline is granted. <u>91</u> Plaintiff has filed his responses, but Plaintiff has not had an opportunity to file a response to Defendant Moore's amended motion for summary judgment. Plaintiff may file a response to the amended motion for summary judgment by April 29, 2022. If Plaintiff does not file a response to the amended motion for summary judgment, the Court will consider Plaintiff's response filed on March 23, 2022 <u>93</u> as his response to Defendant Moore's summary judgment motion. (KB) (Entered: 03/28/2022)
03/28/2022	<u>94</u>	AMENDED MOTION for Summary Judgment by Defendant Evelyn Moore. Responses due by 4/29/2022. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4A, # <u>5</u> Exhibit 4B, # <u>6</u> Exhibit 5) (KB) (Entered: 03/28/2022)
03/29/2022	<u>95</u>	RULE 56 NOTICE entered by Clerk regarding <u>94</u> Amended MOTION for Summary Judgment. (KB) (Entered: 03/29/2022)
03/31/2022	<u>96</u>	MOTION to Correct by Plaintiff Steven Brown. Responses due by 4/14/2022 (KE) (Entered: 03/31/2022)
04/01/2022		TEXT ORDER entered by Magistrate Judge Eric I. Long on 4/1/2022. Plaintiff's motion to correct spelling and grammar errors in his response to the summary judgment motion is denied as unnecessary. <u>96</u> (KB) (Entered: 04/01/2022)
04/13/2022		TEXT ORDER OF REASSIGNMENT entered by Chief Judge Sara Darrow on April 13, 2022. Due to Magistrate Judge Tom Schanzle-Haskins's retirement, this case is reassigned to Magistrate Judge Karen L. McNaught for further proceedings.(LN) (Entered: 04/13/2022)
04/19/2022	<u>97</u>	RESPONSE to Amended <u>94</u> MOTION for Summary Judgment filed by Plaintiff Steven Brown. (ME) (Entered: 04/19/2022)
05/03/2022	<u>98</u>	REPLY to Response to Motion re <u>94</u> MOTION for Summary Judgment filed by Defendant Evelyn Moore. (Grady, Dylan) (Entered: 05/03/2022)

06/29/2022	<u>99</u>	ORDER entered by Judge Sue E. Myerscough on 6/29/2022. IT IS ORDERED: (1) Defendants' motions for summary judgment are granted. <u>84</u> , <u>94</u> (2) Plaintiff's motion to compel is moot. <u>71</u> (3) The Doe Defendants are dismissed without prejudice for Plaintiff's failure to identify them.(4) This action is dismissed with prejudice against Defendants Moore and Larson. Plaintiff takes nothing. (5) The clerk is directed to close this case and enter judgment. (KB) (Entered: 06/29/2022)
07/01/2022	<u>100</u>	JUDGMENT entered. (KB) (Entered: 07/01/2022)
07/05/2022	<u>101</u>	MOTION for Reconsideration re <u>99</u> Order by Plaintiff Steven Brown. Responses due by 7/19/2022 (KE) (Entered: 07/05/2022)
07/13/2022	<u>102</u>	BILL OF COSTS . (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit A)(Gray, Maria) (Entered: 07/13/2022)
07/13/2022	<u>103</u>	BILL OF COSTS . (Ramage, Andrew) (Entered: 07/13/2022)
07/14/2022		NOTICE re <u>102</u> Bill of Costs: Costs will be taxed in the amount of \$576.15; parties have 14 days to file objections. (GL) (Entered: 07/14/2022)
07/14/2022		Set Deadline for objections to Bill of Costs: Miscellaneous Deadline set 7/28/2022 for parties to file objections. (GL) (Entered: 07/14/2022)
07/14/2022		NOTICE re <u>103</u> Bill of Costs: Costs will be taxed in the amount of \$580.34; parties have 14 days to file objections. (GL) (Entered: 07/14/2022)
07/14/2022		Set Deadline for objections to Bill of Costs: Miscellaneous Deadline set 7/28/2022 for parties to file objections. (GL) (Entered: 07/14/2022)
08/11/2022	<u>104</u>	MOTION for Status on Motion by Plaintiff Steven Brown. Responses due by 8/25/2022 (KE) (Entered: 08/11/2022)
08/15/2022		TEXT ORDER entered by Magistrate Judge Karen L. McNaught on 8/15/2022. Plaintiff's motion for status <u>104</u> of the motion to reconsider <u>101</u> is ALLOWED. The motion to reconsider remains pending with Judge Myerscough who will rule on the motion. (KB) (Entered: 08/15/2022)
08/25/2022		TEXT ORDER entered by Judge Sue E. Myerscough on 8/25/2022. Plaintiff's Motion for Reconsideration <u>101</u> is DENIED. First, Plaintiff seeks to apply the motion to dismiss standard from Federal Rule of Civil Procedure 12(b)(6) to the court's ruling at summary judgment. But the standard at summary judgment is a much more searching inquiry, and the court can no longer accept as true the allegations of the complaint, as Plaintiff encourages it to do in his motion. See Fed. R. Civ. P. 56; Waldrige v. Am. Hoechst Corp., 24 F.3d 918, 920 (7th Cir. 1994). Second, Plaintiff merely reiterates the arguments he made in his response Defendants' summary judgment motions <u>84</u> and <u>94</u> . Plaintiff is referred to the court's Order <u>99</u> granting summary judgment to Defendants. Plaintiff's Motion to Reconsider amounts to a disagreement with the court's decision, which is not the purpose of a motion to reconsider. See Moro v. Shell Oil Co., 91 F.3d 872, 876 (7th Cir. 1996). (KB) (Entered: 08/25/2022)
09/20/2022	<u>105</u>	NOTICE OF APPEAL as to Order granting motion for summary judgment <u>99</u> and Text Order entered 8/15/22 denying Motion for Reconsideration <u>101</u> by Steven Brown. (Attachments: # <u>1</u> 6 29 22 Text Order, # <u>2</u> 9 8 22 Letter, # <u>3</u> Motion for Reconsideration, # <u>4</u> 6 29 22 Text Order No. 2, # <u>5</u> Written Order entered 6 29 22, # <u>6</u> Proof of Service, # <u>7</u> Envelope)(TC) (Entered: 09/20/2022)

09/21/2022	<u>106</u>	Short Record of Appeal Sent to US Court of Appeals re <u>105</u> Notice of Appeal. (TC) (Entered: 09/21/2022)
09/21/2022	<u>107</u>	NOTICE of Docketing Record on Appeal from USCA re <u>105</u> Notice of Appeal, filed by Steven Brown. USCA Case Number 22-2672. (DM) (Entered: 09/23/2022)
09/21/2022	<u>108</u>	PLRA FEE NOTICE AND ORDER of USCA as to <u>105</u> Notice of Appeal, filed by Steven Brown. (DM) (Entered: 09/23/2022)
10/11/2022	<u>109</u>	PLRA ORDER of USCA as to <u>105</u> Notice of Appeal, filed by Steven Brown (ME) (Entered: 10/11/2022)
10/11/2022	<u>110</u>	MOTION for Leave to Appeal in forma pauperis by Plaintiff Steven Brown. Responses due by 10/21/2022 (ME) Modified on 10/26/2022 to correct date. (KE). (Entered: 10/11/2022)
10/17/2022		<p>TEXT ORDER entered by Judge Sue E. Myerscough on 10/17/2022. Plaintiff Brown brought a suit alleging deliberate indifference to a serious medical need in violation of the 8th Amendment to the United States Constitution. This Court granted summary judgment in favor of Defendants. See Order <u>99</u> . Now before the Court is Plaintiff's Motion for Leave to Appeal in Forma Pauperis <u>110</u> .</p> <p>Section 1915 states, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "Good faith" within the meaning of § 1915(a)(3) is not about the plaintiff's sincerity in requesting appellate review. Rather, an appeal taken in "good faith" is an appeal that, objectively considered, raises nonfrivolous colorable issues. See Cruz v. Hauck, 404 U.S. 59, 62 (1971); Coppedge v. United States, 369 U.S. 438, 445 (1962); Lee v. Clinton, 209 F.3d 1025, 1026-27 (7th Cir. 2000). A plaintiff who identifies issues that are debatable among jurists of reason, or that could be resolved in a different manner, or that are sufficient to deserve encouragement to proceed further, demonstrates a good faith basis for an appeal. Pate v. Stevens, 163 F.3d 437, 439 (7th Cir. 1998).</p> <p>Plaintiff identifies his disagreement with this Court's summary judgment ruling as the issue on appeal. Motion for Leave to Appeal in Forma Pauperis <u>110</u> . The Court finds that jurists of reason could not disagree on the resolution of Plaintiff's case, and further finds that he has failed to raise any nonfrivolous issues for appeal. Plaintiff's Motion for Leave to Appeal in Forma Pauperis <u>110</u> is therefore DENIED. If Plaintiff intends to renew his request before the Seventh Circuit Court of Appeals, he must do so within 30 days of service of this Order, in compliance with Fed. R. App. P. 24(a)(5). (KB) (Entered: 10/17/2022)</p>
10/17/2022	<u>111</u>	PLRA FEE NOTICE AND ORDER of USCA as to <u>105</u> Notice of Appeal, filed by Steven Brown. (GL) (Entered: 10/17/2022)
10/25/2022	<u>112</u>	Request by Steven Brown as to what address to send appeal fee of \$505.00 to. (ME) (Entered: 10/25/2022)
10/25/2022	<u>113</u>	Letter from Clerk addressed to Plaintiff Brown regarding address to send appeal fee to. Letter sent to Plaintiff by way of Danville CC scanning / notice of electronic filing program. (ME) (Entered: 10/25/2022)
10/26/2022		TEXT ORDER entered by Judge Sue E. Myerscough on 10/26/2022. Plaintiff's objections to Defendants' Bills of Costs <u>102</u> , <u>103</u> were due 7/28/22. Plaintiff has

		neither filed an objection nor requested additional time to do so. "Costs other than attorney's fees should be allowed to the prevailing party," unless a statute, rule, or court order provides otherwise. Fed. R. Civ. P. 54(d)(1). The court may render a judgment for costs against a plaintiff proceeding in forma pauperis "at the conclusion of the suit or action as in other proceedings." 28 U.S.C. § 1915(f)(1). The court has discretion to consider a plaintiff's indigency when deciding the issue of costs, but "indigence does not automatically excuse the losing party from paying the prevailing party's costs." Rivera v. City of Chicago, 469 F.3d 631, 635 (7th Cir. 2006). The party claiming indigency has the burden of showing that he is "incapable of paying the court-imposed costs at this time or in the future." Id. at 634. The court finds Plaintiff has not demonstrated that he cannot pay the imposed costs now or in the future. Defendant Larson is awarded \$576.15 in costs and Defendant Moore is awarded \$580.34 in costs. The Court finds these costs are reasonable. The Clerk is to amend the judgment to include the awards of costs. (KB) (Entered: 10/26/2022)
11/02/2022	<u>114</u>	Response by Steven Brown re <u>102</u> Bill of Costs, <u>103</u> Bill of Costs. (KE) (Entered: 11/02/2022)
11/02/2022	<u>115</u>	AMENDED JUDGMENT entered. (KB) (Entered: 11/02/2022)
11/03/2022		USCA Appeal Fees received \$ 505.00 receipt number 200000273 re <u>105</u> Notice of Appeal, filed by Steven Brown (JMB) (Entered: 11/03/2022)
11/03/2022	<u>116</u>	NOTICE re USCA Appeal Fees by Plaintiff Brown. (ME) (Entered: 11/03/2022)
12/30/2022	<u>117</u>	MOTION for a Receipt by Plaintiff Steven Brown. Responses due by 1/13/2023. (DM) (Entered: 12/30/2022)
01/27/2023	<u>118</u>	ORDER of USCA as to <u>105</u> Notice of Appeal, filed by Steven Brown. IT IS ORDERED that the request for recruitment of counsel is DENIED. (SEE WRITTEN ORDER.) (GL) (Entered: 01/27/2023)
09/06/2023		Text Order entered by Judge Sue E. Myerscough on 9/5/2023: Motion for Receipt <u>117</u> is GRANTED. Clerk to send Plaintiff copy of 11/3/22 receipt for appellate docketing fee. (ANW) (Entered: 09/06/2023)
09/06/2023	<u>119</u>	Remark: receipt from appeal fees attached per 9/6/23 Text Order. (ANW) (Entered: 09/06/2023)
11/21/2023	<u>120</u>	MANDATE of USCA as to <u>105</u> Notice of Appeal, filed by Steven Brown: The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date. (Attachments: # <u>1</u> Final Judgment)(BL) (Entered: 11/22/2023)

PACER Service Center			
Transaction Receipt			
03/01/2024 14:26:55			
PACER Login:	scotus2023	Client Code:	
Description:	Docket Report	Search Criteria:	2:20-cv-02016-SEM-KLM
Billable Pages:	13	Cost:	1.30

<b>Exempt flag:</b>	Exempt	<b>Exempt reason:</b>	Always
---------------------	--------	-----------------------	--------

**Additional material  
from this filing is  
available in the  
Clerk's Office.**