

**NONPRECEDENTIAL DISPOSITION**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 August 30, 2017\*

Decided August 31, 2017

**Before**

DIANE P. WOOD, *Chief Judge*

WILLIAM J. BAUER, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

**CERTIFIED COPY**

A True Copy

Teste:

Deputy Clerk  
of the United States  
Court of Appeals for the  
Seventh Circuit

No. 16-2502

CHRISTOPHER PYLES,  
*Plaintiff-Appellant,*

*v.*

WILLIAM SPILLER, *et al.*,  
*Defendants-Appellees.*

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

No. 13-299-SCW

Stephen C. Williams,  
*Magistrate Judge.*

**ORDER**

Christopher Pyles, an Illinois inmate in Menard Correctional Center (a maximum security prison), has sued prison officials under 42 U.S.C. § 1983 for violating the Eighth Amendment. He contends that, through unjustified lockdowns and double-celling of inmates, the defendants damaged his mental health. A magistrate

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\* 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. *See* FED. R. APP. P. 34(a)(2)(C).

No. 16-2502

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ensure that every inmate received proper medication. Neither doctor opines that the lockdowns harm Pyles's mental health. His psychiatrist says that "you can not pinpoint" the specific cause of an episode of depression that an inmate experiences tomorrow to "today [when he] got locked down." The psychologist attributes any adverse mental-health effects to the changes in his medication for bipolar disorder, not the lockdowns.

The second consequence of the lockdowns, according to Pyles, is the restriction on his ability to exercise. Since June 2013 Pyles has shared a small cell with another inmate. Although the cell has enough space for one inmate to do sit-ups or push-ups on the floor (or on the bed if the other cellmate allows the practice), there is not enough room for cardio exercise. Pyles's psychologist has taught inmates facing life in prison yoga poses that they can do in a small space to try to address their concerns about limited cell space.

The third effect of the lockdowns is the prolonged time that Pyles has to spend in his cell with a cellmate. Pyles observes that a prison psychologist, now deceased, recorded in Pyles's medical record in July 2012 that he needed a single cell because of "mental health concerns." Neither of Pyles's current mental-health professionals, however, question his compatibility with a double-occupancy cell today.

After Pyles complained internally to the prison staff, to no avail, that the lockdowns and overcrowding needlessly exacerbated his mental-health symptoms, this lawsuit followed. The magistrate judge recruited counsel for Pyles, but he later granted summary judgment for the defendants on the Eighth Amendment claim. The judge explained that the record did not permit a finding "that the length and timing of those lockdowns were not penologically justified." It added that Pyles's prison grievances were not sufficient to show that the defendants knew about the harm he alleged.

On appeal Pyles maintains that Menard officials used lockdowns needlessly in an already overcrowded prison and thereby worsened his medical condition in violation of the Eighth Amendment. In his reply brief Pyles dropped his damages claim; he now pursues only injunctive relief. To get past summary judgment on his Eighth Amendment claim, Pyles must submit triable evidence that he suffered objectively serious harm and that the defendants knew about a substantial risk of that harm yet recklessly ignored it. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Haywood v. Hathaway*, 842 F.3d 1026, 1031 (7th Cir. 2016). He has not done so.

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living in a double-occupancy cell today. Thus in double-celling Pyles, no defendant is recklessly ignoring a current, substantial risk to Pyles's mental health.

AFFIRMED.

United States Court of Appeals  
For the Seventh Circuit  
Chicago, Illinois 60604

October 4, 2017

Before

DIANE P. WOOD, *Chief Judge*

WILLIAM J. BAUER, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

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No. 13-299-SCW  
Stephen C. Williams,  
*Magistrate Judge.*

Order

Plaintiff-appellant filed a petition for rehearing and rehearing en banc on September 19, 2017. No judge in regular active service has requested a vote on the petition for rehearing en banc, and all of the judges on the panel have voted to deny rehearing. The petition for rehearing is therefore DENIED.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CHRISTOPHER PYLES,**

**Plaintiff,**

**vs.**

**CASE NO. 13-299-SCW**

**DONALD GAETZ, DAVID REDNOUR,  
WILLIAM SPILLER, MICHAEL ATCHISON,  
RICK HARRINGTON, SHANNIS STOCK,  
KIMBERLY BUTLER, GLADYSE C.  
TAYLOR, MICHAEL P. RANDLE,  
SALVADORE GODINEZ, TY BATES, HENRY  
BAYER, TONY FERRANTO, KEVIN  
HIRSCH, RICHARD PAULTER, BRAD  
THOMOAS, MAJORS, MELISSA  
SAUERWEIN, REBECCE CREASON,  
UNKNOWN PARTY, Mental Health  
Professional, AFCME UNION LOCAL  
1175, Counsel 31 members, UNKNOWN  
PARTY, IDOC Employees, BRAD  
BRAMLETT, KNUST, C/O ELLIS, ELAINE  
BONIFIELD, JAMES R. BROWN, JOSEPH  
COWAN, CHAD E. HASEMEYER,  
JACQUELINE A. LASHBROOK, DOUG  
LYERLA, RICHARD D. MOORE, PAUL  
OLSON, BRIAN THOMAS, DR. BAIG, MISS  
GREATHOUSE, MISS WHITESIDE, DR.  
HILLERMAN, MISS DELONG, DR.  
KOWALKOWSKI and WILLIAM REES,**

**Defendant(s).**

**JUDGMENT IN A CIVIL CASE**

Defendants SHANNIS STOCK, HARRY BAYER, TONY FERRANTO, KEVIN HIRSCH,  
RICHARD PAULTER, AFCME UNION LOCAL 1175, Counsel 31 Members, BRAD BRAMLETT,  
KNUST, C/O ELLIS, and ELAINE BONIFIELD were dismissed without prejudice on April 12,  
2013 by an Order entered by Chief Judge Michael J. Reagan (Doc. 9)

Defendant MELISSA SAUERWEIN was dismissed with prejudice on December 23, 2013 by an Order entered by Chief Judge Michael J. Reagan (Doc. 61).

Defendant UNKNOWN PARTY, Mental Health Professional and UNKNOWN PARTY, IDOC employees, were dismissed on January 23, 2014 by an Order entered by Chief Judge Michael J. Reagan (Doc. 68).

Defendant MAJORS, Lockdown Coordinator was termed from this matter on August 20, 2014 by administrative entry as Defendant was inadvertently added during case opening.

Defendants DR. HILLERMAN and DR. KOWALKOWSKI were dismissed without prejudice on October 20, 2014 by and Order entered by Chief Judge Michael J. Reagan (Doc.150).

Defendants DR. BAIG, MISS GREATHOUSE, MISS WHITESIDE, MSS DELONG were dismissed without prejudice on December 12, 2014 by an Orders entered by Chief Judge Michael J. Reagan (Doc. 156 and 157).

Defendants DONALD GAETZ, DAVID REDNOUR, and MICHAEL P. RANDLE, were dismissed without prejudice on August 10, 2015, by an Order entered by Magistrate Judge Stephen C. Williams (Doc. 174).

Defendant REBECCE CREASON was termed by the filing of the Amended Complaint on August 12, 2015 (Doc. 175).

Defendants MICAHEL ATCHISON, TY BATES, JAMES R. BROWN, KIMBERLY BUTLER, JOSEPH COWAN, SALVADOR GODINEZ, RICK HARRINGTON, CHAD E. HASEMEYER, JACQUELINE A. LASHBROOK, DOUG LYERLA, RICHARD D. MOORE, PAUL OLSON, WILLIAM REES, WILLIAM SPILLER, GLADYSE C. TAYLOR, BRAD THOMAS and BRIAN THOMAS were

granted summary judgment on May 23, 2016 by and Order entered by Magistrate Judge Stephen C. Williams (Doc. 210).

**THEREFORE**, judgment is entered in favor of **MELISSA SAUERWEIN, UNKNOWN PARTY**, Mental Health Professional, **UNKNOWN PARTY**, IDOC employees, **REBECCCE CREASON, MICAH EL ATCHISON, TY BATES, JAMES R. BROWN, KIMBERLY BUTLER, JOSEPH COWAN, SALVADOR GODINEZ, RICK HARRINGTON, CHAD E. HASEMEYER, JACQUELINE A. LASHBROOK, DOUG LYERLA, RICHARD D. MOORE, PAUL OLSON, WILLIAM REES, WILLIAM SPILLER, GLADYSE C. TAYLOR, BRAD THOMAS** and **BRIAN THOMAS** and against Plaintiff **CHRISTOPHER PYLES**.

Plaintiff shall take nothing from this action.

The Plaintiff should take notice of the fact that he has 28 days from the date of this judgment for filing a motion for new trial or motion to amend or alter judgment under Rule 59(b) or (e) of the Federal Rules of Civil Procedure. These deadlines for motions under Rule 59 cannot be extended by the Court. The Plaintiff should also note that he has 30 days from the date of this judgment to file a notice of appeal. This period can only be extended if excusable neglect or good cause is shown.

**DATED** this 27<sup>th</sup> day of May, 2016

**JUSTINE FLANAGAN, ACTING CLERK**

**BY:** /s/ Angela Vehlewald  
**Deputy Clerk**

**Approved by** /s/ Stephen C. Williams  
**United States Magistrate Judge**  
**Stephen C. Williams**