

Appendix A.

Civil Docket For Case:

1:23-cv- 00002-WCG

**United States District Court  
 Eastern District of Wisconsin (Green Bay)  
 CIVIL DOCKET FOR CASE #: 1:23-cv-00602-WCG**

Rodriguez Ruiz v. Reynolds

Assigned to: Judge William C Griesbach

Case in other court: USCA Rodriguez Ruiz, 24-1782, 05/02/24

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/11/2023

Date Terminated: 04/16/2024

Jury Demand: Both

Nature of Suit: 555 Prisoner: Conditions of Confinement

Jurisdiction: Federal Question

**Plaintiff**

**Francisco Rodriguez Ruiz, Jr**

represented by **Francisco Rodriguez Ruiz, Jr**

351010

Racine Correctional Institution

2019 Wisconsin St

PO Box 900

Sturtevant, WI 53177-0900

PRO SE

V.

**Defendant**

**Rodney Reynolds**

*Sued as Sgt Regenolds*

represented by **Wisconsin Dept of Justice - 1983 Actions**

Email: DLSFedOrdersEastCL@doj.state.wi.us

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Kevin L Grzebielski**

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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/12/2024	<u>52</u> <i>(2 pages; 1 doc)</i>	DECISION AND ORDER signed by Judge William C Griesbach on 6/12/2024. Plaintiff's motion for reconsideration, which the Court construes as a motion for an extension of time <u>50</u> , is GRANTED. By July 24, 2024, Plaintiff shall forward to the Clerk of Court \$5.51 as the initial partial filing fee in this appeal. Plaintiff's failure to comply with this order may result in dismissal of his appeal. (cc: all counsel and mailed to pro se party) (Griesbach, William)

06/07/2024	<u>51</u> (3 pages; 1 doc)	Prisoner Trust Fund Account Statement by Francisco Rodriguez Ruiz, Jr. (jmk)
06/07/2024	<u>50</u> (35 pages; 4 docs)	MOTION for Reconsideration by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Bookmarked Attachments, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(jmk).
05/23/2024	<u>49</u> (3 pages; 1 doc)	ORDER signed by Judge William C Griesbach on 5/23/2024 GRANTING <u>48</u> Motion for Leave to Appeal Without Prepayment of the Filing Fee. On or before June 24, 2024 plaintiff shall forward to the Clerk of Court the sum of \$ 5.51 as an initial partial filing fee in this appeal. (cc: all counsel/PLRA Attorney and mailed to pro se party and officer in charge)(Griesbach, William)
05/16/2024	<u>48</u> (7 pages; 2 docs)	MOTION for Leave to Appeal Without Prepayment of the Filing Fee by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> USCA Order Transferring IFP Motion) (kwf)
05/06/2024	<u>47</u> (2 pages; 1 doc)	PLRA FEE NOTICE AND ORDER of USCA re <u>40</u> Notice of Appeal Prisoner filed by Francisco Rodriguez Ruiz, Jr. (kwf)
05/06/2024	<u>46</u> (1 page; 1 doc)	USCA Case Number 24-1782 re: <u>40</u> Notice of Appeal Prisoner filed by Francisco Rodriguez Ruiz, Jr. (kwf)
05/03/2024		Copy of Pro Se Cover Letter <u>44</u> and Short Record <u>45</u> sent via U.S. Mail to Francisco Rodriguez Ruiz, Jr together with forms: Docketing Statement, Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis, Seventh Circuit Transcript Information Sheet. (kwf)
05/03/2024	<u>45</u> (15 pages; 1 doc)	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>40</u> Notice of Appeal Prisoner. (kwf)
05/03/2024	<u>44</u> (2 pages; 1 doc)	Pro Se Cover Letter re: <u>40</u> Notice of Appeal Prisoner. (kwf)
05/02/2024	<u>43</u> (7 pages; 1 doc)	Prisoner Trust Fund Account Statement by Francisco Rodriguez Ruiz, Jr. (kwf) (Entered: 05/03/2024)
05/02/2024	<u>42</u> (1 page; 1 doc)	LETTER from Francisco Rodriguez Ruiz, Jr regarding appeal and pauperis status. (kwf) (Entered: 05/03/2024)
05/02/2024	<u>41</u> (2 pages; 1 doc)	NOTICE of Content of a Petition for a Writ of Certiorari by Francisco Rodriguez Ruiz, Jr. (kwf) Modified on 5/6/2024. (kwf) (Entered: 05/03/2024)
05/02/2024	<u>40</u> (3 pages; 2 docs)	NOTICE OF APPEAL by Francisco Rodriguez Ruiz, Jr from USDC re: <u>38</u> Decision and Order, <u>39</u> Judgment. Newlin Notice to be sent by 7/1/2024. (Attachments: # <u>1</u> Envelope) (cc: all counsel) (kwf) (Entered: 05/03/2024)
04/16/2024	<u>39</u> (1 page; 1 doc)	JUDGMENT signed by Deputy Clerk and approved by Judge William C Griesbach on 4/16/2024. (cc: all counsel and mailed to pro se party) (kwf)

04/15/2024	<u>38</u> (7 pages; 1 doc)	DECISION AND ORDER signed by Judge William C Griesbach on 4/15/2024 GRANTING <u>29</u> Motion for Summary Judgment. This case is DISMISSED. The clerk of court will enter judgment accordingly. (cc: all counsel and mailed to pro se party) (Griesbach, William)
03/21/2024	<u>37</u> (3 pages; 2 docs)	BRIEF in Opposition filed by Francisco Rodriguez Ruiz, Jr re <u>29</u> MOTION for Summary Judgment . (Attachment(s): # <u>1</u> Envelope) (mac).
03/07/2024	<u>36</u> (1 page; 1 doc)	DECISION AND ORDER signed by Judge William C Griesbach on 3/7/2024 DENYING <u>35</u> Motion for Tort. Plaintiff is reminded that his materials in response to Defendant's summary judgment motion are due by April 1, 2024. (cc: all counsel and mailed to pro se party) (Griesbach, William)
03/04/2024	<u>35</u> (4 pages; 3 docs)	MOTION for Tort by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(mac)
03/01/2024	<u>34</u> (2 pages; 1 doc)	NOTICE and ORDER signed by Judge William C Griesbach on 3/1/2024 that, if by 4/1/2024, plaintiff does not respond to the summary judgment motion or does not request additional time to do so, the court will accept all facts asserted by the defendant as undisputed and may grant the motion for noncompliance. (cc: all counsel and mailed to pro se party) (Griesbach, William)
02/29/2024	<u>33</u> (10 pages; 2 docs)	DECLARATION of Kevin L. Grzebielski (Attachments: # <u>1</u> Exhibit 1001-HSU Excerpt (Redacted))(Grzebielski, Kevin)
02/29/2024	<u>32</u> (11 pages; 2 docs)	DECLARATION of Rodney Reynolds (Attachments: # <u>1</u> Exhibit 1000-Incident Report Summary)(Grzebielski, Kevin)
02/29/2024	<u>31</u> (10 pages; 1 doc)	Proposed Findings of Fact by Rodney Reynolds (Grzebielski, Kevin)
02/29/2024	<u>30</u> (16 pages; 1 doc)	BRIEF in Support filed by Rodney Reynolds re <u>29</u> MOTION for Summary Judgment . (Grzebielski, Kevin)
02/29/2024	<u>29</u> (12 pages; 2 docs)	MOTION for Summary Judgment by Rodney Reynolds. (Attachments: # <u>1</u> Certificate of Service)(Grzebielski, Kevin)
02/14/2024	<u>28</u> (4 pages; 1 doc)	ORDER signed by Judge William C Griesbach on 2/13/2024 DENYING <u>26</u> Motion for Extension of Time and DENYING without prejudice <u>27</u> Motion to Appoint Counsel. If a video recording of the incident out of which the case arises exists, counsel for Defendant shall file a copy with the Court in the event Defendant moves for summary judgment and make arrangements to have it shown to Plaintiff. (cc: all counsel and mailed to pro se party) (Griesbach, William)
02/02/2024	<u>27</u> (6 pages; 3 docs)	MOTION to Appoint Counsel by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Attorney Letters, # <u>2</u> Envelope) (jmk) Modified on 2/5/2024. (kwf)
01/29/2024	<u>26</u> (2 pages; 2 docs)	MOTION for Extension of Time by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Envelope) (kwf)

01/29/2024	<u>25</u> (2 pages; 2 docs)	NOTICE of Change of Address by Francisco Rodriguez Ruiz, Jr to Racine Correctional Institution. Address previously updated on the docket on 1/18/2024. (Attachments: # <u>1</u> Envelope) (kwf)
01/18/2024	<u>24</u> (2 pages; 2 docs)	NOTICE of Change of Address by Francisco Rodriguez Ruiz, Jr to Racine Correctional Institution. Address updated on the docket. (Attachments: # <u>1</u> Envelope) (kwf) (Entered: 01/19/2024)
12/15/2023	<u>23</u> (6 pages; 2 docs)	LETTER from Plaintiff regarding submitted evidence. (Attachments: # <u>1</u> Exhibits)(mac)
12/13/2023	<u>22</u> (2 pages; 1 doc)	DECISION AND ORDER signed by Judge William C Griesbach on 12/13/2023 DENYING <u>21</u> Motion to Change Venue. (cc: all counsel and mailed to pro se party) (Griesbach, William)
12/11/2023	<u>21</u> (2 pages; 1 doc)	MOTION to Change Venue by Francisco Rodriguez Ruiz, Jr. (rcm) (Entered: 12/12/2023)
10/05/2023	<u>20</u> (2 pages; 1 doc)	BRIEF: Motion for Discovery. (jmk)
09/27/2023	<u>19</u> (2 pages; 1 doc)	DECISION AND ORDER signed by Judge William C Griesbach on 9/27/2023 DENYING <u>18</u> Motion for Discovery. (cc: all counsel and mailed to pro se party) (Griesbach, William)
09/25/2023	<u>18</u> (1 page; 1 doc)	MOTION for Discovery by Francisco Rodriguez Ruiz, Jr. (jmk)
09/13/2023	<u>17</u> (1 page; 1 doc)	DECISION AND ORDER signed by Judge William C Griesbach on 9/13/2023 DENYING without prejudice <u>16</u> Motion for Summary Judgment. (cc: all counsel and mailed to pro se party) (Griesbach, William)
09/11/2023	<u>16</u> (21 pages; 2 docs)	MOTION for Summary Judgment, Declaration, Relief, and Memorandum by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Attachments)(jmk)
08/29/2023	<u>15</u> (11 pages; 1 doc)	SCHEDULING ORDER signed by Judge William C Griesbach on 8/29/2023. Discovery due by 1/29/2024. Motions due by 2/29/2024. (cc: all counsel and mailed to pro se party) (Griesbach, William)
08/28/2023	<u>14</u> (12 pages; 3 docs)	ANSWER to Prisoner Complaint with Jury Demand by Sgt Regenolds. (Attachments: # <u>1</u> Renumbered Complaint, # <u>2</u> Certificate of Service)(Grzebielski, Kevin)
08/01/2023	<u>13</u> (1 page; 1 doc)	BRIEF filed by Francisco Rodriguez Ruiz, Jr regarding mail concerns. (jmk)
07/27/2023	<u>12</u> (1 page; 1 doc)	ACCEPTANCE OF SERVICE BY DOJ as to Sgt Regenolds (Grzebielski, Kevin)
07/27/2023	<u>11</u> (3 pages; 2 docs)	NOTICE of Appearance by Kevin L Grzebielski on behalf of Sgt Regenolds. Attorney(s) appearing: Kevin L. Grzebielski (Attachments: # <u>1</u> Certificate of Service)(Grzebielski, Kevin)

07/10/2023	<u>10</u> (2 pages; 1 doc)	BRIEF Preliminary Injunction filed by Francisco Rodriguez Ruiz, Jr. (jmk)
07/10/2023	<u>9</u> (60 pages; 2 docs)	BRIEF filed by Francisco Rodriguez Ruiz, Jr to proceed within 90 day speedy trial. (Attachments: # <u>1</u> Attachments) (jmk)
06/28/2023	<u>8</u> (6 pages; 1 doc)	SCREENING ORDER signed by Judge William C Griesbach on 6/28/2023 GRANTING <u>4</u> Motion for Leave to Proceed Without Prepayment of the Filing Fee and DENYING <u>7</u> Motion for Relief. Sgt. Regenolds shall file a responsive pleading to the complaint within sixty days of receiving electronic notice of this order. (cc: all counsel and mailed to pro se party, Officer in Charge)(Griesbach, William)
06/22/2023	<u>7</u> (2 pages; 2 docs)	Unsigned MOTION for Relief by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Cover Letter) (jmk) (Main Document 7 replaced on 6/23/2023) (jmk).
06/09/2023		INITIAL PARTIAL FILING FEE Received: \$18.68, Receipt Number: GB 6163; the payment of all future filing fees will be maintained by the financial department. (mac)
05/22/2023	<u>6</u> (1 page; 1 doc)	Magistrate Judge Jurisdiction Form filed by Francisco Rodriguez Ruiz, Jr. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (kwf) (Entered: 05/23/2023)
05/22/2023	<u>5</u> (4 pages; 1 doc)	ORDER that within 30 days plaintiff shall forward to the Clerk of Court the sum of \$18.68 as an initial partial filing fee in this action, signed by Judge William C Griesbach on 5/22/2023. (cc: all counsel and mailed to pro se party, Officer in Charge)(Griesbach, William)
05/18/2023	<u>4</u> (4 pages; 1 doc)	MOTION for Leave to Proceed Without Prepayment of the Filing Fee by Francisco Rodriguez Ruiz, Jr. (cmb)
05/12/2023	<u>3</u> (2 pages; 1 doc)	LETTER from the clerk to Plaintiff re Consent/Refusal to Magistrate Judge Stephen C. Dries and requesting that the consent/refusal form be filed within 21 days. Also requesting payment of the full filing fee or that a petition to proceed without prepayment of the full filing fee be filed within 21 days. (amh) (Main Document 3 replaced on 5/12/2023) (amh).
05/11/2023	<u>2</u> (3 pages; 1 doc)	Prisoner Trust Fund Account Statement by Francisco Rodriguez Ruiz, Jr. (amh) (Entered: 05/12/2023)
05/11/2023	<u>1</u> (8 pages; 4 docs)	PRISONER COMPLAINT with Jury Demand filed against Sgt Regenolds by Francisco Rodriguez Ruiz, Jr. (Attachments: # <u>1</u> Complaint Supplement, # <u>2</u> Requests, # <u>3</u> Envelope)(amh) (Entered: 05/12/2023)

## Appendix B.

**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 March 21, 2025\*  
Decided March 27, 2025

**Before**

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-1782

FRANCISCO RODRIGUEZ RUIZ, JR.,  
*Plaintiff-Appellant,*

*v.*

Appeal from the United States District  
Court for the Eastern District of  
Wisconsin.

RODNEY REYNOLDS,  
*Defendant-Appellee.*

No. 23-C-602

William C. Griesbach,  
*Judge.*

**O R D E R**

Francisco Rodriguez Ruiz, Jr., a Wisconsin prisoner, sued correctional officer Rodney Reynolds for using excessive force in violation of his rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. The district court entered summary judgment

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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. FED. R. APP. P. 34(a)(2)(C).

No. 24-1782

for Reynolds, concluding that no reasonable jury could find that he used excessive force to get Ruiz to comply with his orders. We affirm.

We recount the facts in the light most favorable to Ruiz, the nonmoving party. *Jones v. Anderson*, 116 F.4th 669, 677 (7th Cir. 2024). In December 2021, Ruiz was incarcerated at Waupun Correctional Institution in Waupun, Wisconsin, where Rodney Reynolds was a sergeant. After Reynolds learned that Ruiz reported thoughts of suicide, he went to Ruiz's cell to check on him. Reynolds decided that Ruiz needed to be transferred to a more secure holding cell and assessed, so he put Ruiz in handcuffs and then had Ruiz kneel to receive leg restraints. But as Ruiz began to stand up, he slipped on a piece of paper on the floor and fell to his knees. Reynolds and another officer attempted to help Ruiz stand up, but Ruiz resisted by not moving and forcing the officers to bear his full weight (employing "dead-weight" tactics, in the officers' words). Reynolds ordered Ruiz to stand up; Ruiz said that he could not. Reynolds then briefly tried using a "compliance hold" to force Ruiz to stand up, but he stopped the hold because it was ineffective. Eventually, Reynolds left Ruiz, fully restrained, with the other officer while Reynolds told a lieutenant about Ruiz's noncompliance and retrieved a wheelchair because Ruiz would not stand or walk. Although Ruiz continued to use dead-weight tactics, Reynolds and the other officer were able to lift him to the wheelchair, secure him, and transfer him to the holding cell, where Ruiz immediately stood up. Ruiz did not complain of pain or injury and did not ask for medical care.

Five days later, Ruiz filed a Health Service Request reporting that a "Sgt. Twisted [his] wrist" and requesting an x-ray "to observe the hairline fracture." A nurse eventually examined Ruiz but did not observe any swelling, bruising, or deformities. Another examination weeks after the incident showed that Ruiz had a normal range of motion in his hand and wrist. Ruiz also declined ice for his wrist.

Proceeding pro se, Ruiz sued Reynolds under 42 U.S.C. § 1983, alleging that Reynolds's use of the compliance hold was excessive and violated the Eighth Amendment because Ruiz was having a health crisis and was not willfully disobeying Reynolds's orders. As discovery was underway, Ruiz filed a motion asking the district court to order Reynolds to produce the video recording of the incident. The court denied Ruiz's motion, instructing him to first request the video recording from Reynolds's lawyer and then attempt to resolve any discovery disputes without court intervention.

On the day that discovery closed, Ruiz requested more time to obtain the video recording of the incident, noting that he had recently been transferred to a different prison. The court denied Ruiz's motion because the deadline to file discovery requests was sixty days prior to the motion's filing, and because his transfer occurred after that deadline; thus, there was no good cause to reopen discovery. Still, the court directed Reynolds to produce the video recording if he intended to use it. Reynolds never responded to the order and did not rely on any video recording when he ultimately moved for summary judgment.

Ruiz also filed a motion to recruit counsel. Ruiz argued that he was unable to afford an attorney and that his imprisonment made it difficult for him to litigate his case. The district court denied relief, explaining that Ruiz had made reasonable efforts to obtain counsel, but as an "experienced litigant" with a single straightforward claim, he was competent to represent himself. *Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007) (en banc). The court also noted that Ruiz had not explained why his incarceration alone made it too difficult to litigate his case.

Reynolds then moved for summary judgment. When addressing the motion, the district court deemed all Reynolds's proposed facts admitted because Ruiz had failed to respond to Reynolds's proposed findings of fact in violation of the Eastern District of Wisconsin's Local Rules 7 and 56. The district court then concluded that no reasonable jury could find that Reynolds used the compliance hold maliciously or sadistically to inflict pain, and so the court granted Reynolds's motion for summary judgment.

Ruiz appeals and primarily argues the district court erred by not giving him more time to obtain a video recording of the incident. But the decision to grant or deny a motion to extend discovery is within the court's broad discretion over case management. *Flint v. City of Belvidere*, 791 F.3d 764, 768 (7th Cir. 2015). And here, Ruiz's request to extend discovery came on the day discovery closed, and his purported reason for needing an extension—the prison transfer—arose after any timely requests for production would have been made, so it provided no excuse. (The court had advised Ruiz of these time constraints.) When a party fails to secure discovery because of his own lack of diligence, the "[n]eglect is generally not excusable." *Id.* Ruiz points to nothing to show that the court here abused its discretion—indeed, Ruiz only speculates that any video recording of the incident was in existence when he began asking for it.

To the extent that Ruiz challenges the district court's denial of his motion to appoint counsel, we see no abuse of discretion. The court applied the correct standard

under Pruitt and reached a reasonable conclusion. It correctly observed that Ruiz's excessive force claim was straightforward and would largely turn on his memory of what happened. *See Riley v. Waterman*, 126 F.4th 1287, 1298–99 (7th Cir. 2025). The court also properly concluded that Ruiz was an experienced litigant who was competent to litigate his own case because he had successfully prepared the complaint in this case and had litigated other cases before this judge. *Id.* at 1299. Further, Ruiz had not clarified why his incarceration should warrant the recruitment of counsel, and the court explained that “[c]ountless prisoners have litigated § 1983 cases without issue.”

On to the merits. Inflicting “unnecessary and wanton” pain on prisoners violates the Eighth Amendment’s protection against cruel and unusual punishment. *Jones*, 116 F.4th at 677 (citation omitted); *see Whitley v. Albers*, 475 U.S. 312, 320–21 (1986). The key inquiry is “whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm.” *Whitley*, 475 U.S. at 320–21 (citation omitted). We consider “the need for the application of the force, the amount of force applied, the threat an officer reasonably perceived, the effort made to temper the severity of the force used, and the extent of the injury that force caused to an inmate.” *Jones*, 116 F.4th at 677 (citation omitted).

Based on the undisputed facts, no reasonable jury could conclude that Reynolds applied the compliance hold (or made other physical contact) sadistically or maliciously. Reynolds needed to remove Ruiz from his cell to get Ruiz to a holding cell where he could be assessed by the psychological services staff. Because the cell door was open, Reynolds believed that he urgently needed to get Ruiz to stand up and be secured appropriately. But Ruiz would not help the officers get him on his feet. Reynolds believed that Ruiz was using dead-weight tactics to passively resist the command to stand up, so Reynolds tried using the hold to gain compliance. He used only a small amount of force and stopped when the hold did not work to gain Ruiz’s cooperation. *See id.* at 678. Further, Ruiz was seen by two nurses who observed that he did not have swelling, bruising, or a limited range of motion. Summary judgment for Reynolds was appropriate.

AFFIRMED