

XI APPENDIX WITH LIST OF ATTACHED SUPPORTING EXHIBITS

- (1) Totally baseless Decision of the U.S. Court of Appeals for the Seventh Circuit/ EXHIBIT "NN"
- (2) Decision of the U.S. District Court granting Respondents' Motion to Strike Petitioner's Rule 26 (a)(2) Expert Disclosures/ EXHIBIT "XX" (Dated 2/20/2024)
- (3) Memorandum Opinion and Order of the U.S. District Court granting the Respondents' Motion for Summary Judgment / EXHIBIT " YY" (Dated 7/8/2024)
- (4) Memorandum Opinion and Order of the U.S District Court denying Petitioner's FRCP Rule 60 (b) Motion and Motion for Judicial Disqualification / EXHIBIT "ZZ" (Dated 8/2/2024)
- (5) Petitioner's invaluable LOCAL RULE 56.1 STATEMENT OF DISPUTED MATERIAL FACTS/ EXHIBIT "LL"
- (6) Respondents' IDOC Compilation of 200 plus Division #11 inmates' grievances concerning the subject ventilation problems/ EXHIBIT " FF"
- (7) The Respondents' IDOC falsified Cook County Jail Inspection Checklists for several years/ GROUP EXHIBIT " AA"
- (8) The New York Times News Article " Cook County Jail is the TOP U.S. HOT SPOT AS VIRUS SPREADS BEHIND BARS "/ EXHIBIT " GG"
- (9) The News Article " Extreme Heat Exacerbates Dire Prison Conditions with Few Paths to Relief " /EXHIBIT "EE".
- (10) The News Article " Clearing the Air: Why Indoor Air Quality matters for Correctional Officers' Health :/ EXHIBIT " TT".

NONPRECEDENTIAL DISPOSITION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 July 9, 2025*

Decided July 9, 2025

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2544

IOAN LELA,
Plaintiff-Appellant,

v.

THOMAS J. DART, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 18 C 4058

Matthew F. Kennelly,
Judge.

ORDER

Ioan Lela, a pretrial detainee, appeals the district court's summary judgment rejecting his claims that jail officials subjected him to unconstitutional conditions of confinement by maintaining an inadequate air-ventilation system in his housing unit.

* 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).

Exhibit "NN"

See 42 U.S.C. § 1983. Because Lela has not presented any evidence from which a reasonable jury could find that the jail officials acted unreasonably, we affirm.

Lela was detained at Cook County Jail from 2015 to 2021. He maintains that, during this time, inadequate air ventilation in his housing unit triggered or exacerbated multiple ailments, including mild sporadic allergic rhinitis, upper respiratory infection, and headaches. In 2018, he filed an internal grievance complaining that the air-ventilation system in his housing unit was not adequately cleaned. He complained that one to two inches of “human dead skin” and “dust mite particles” accumulated on the air-conditioning covers. Within two weeks, an employee at the jail responded to the grievance by cleaning the air vents in Lela’s housing unit.

Lela then sued several jail officials, alleging that they maintained an inadequate air-ventilation system in his housing unit, in violation of his Fourteenth Amendment rights. Further proceedings ensued, and the district court eventually granted summary judgment for the jail officials. The court concluded that Lela failed to offer evidence from which a reasonable jury could infer that the officials’ actions were objectively unreasonable.

Lela moved to vacate the judgment under Rule 60(b) of the Federal Rules of Civil Procedure, contending that the court ignored evidence showing that the jail’s inadequate air-ventilation system caused his medical ailments. He also moved to disqualify the judge based on the allegedly selective manner in which the judge credited certain evidence. The court denied both motions. Regarding the Rule 60(b) motion, the court concluded that Lela rehashed the arguments that it had rejected in its order entering summary judgment for the officials. As for the motion to disqualify, the court explained that adverse rulings were not grounds for disqualification.

On appeal, Lela first contests the summary judgment decision, arguing that the district court overlooked evidence supporting his claim that the defendants subjected him to unconstitutional conditions of confinement. He points to grievances filed by other detainees at the jail, a 2010 consent decree, and a 2017 district court order—all of which, in his view, show that the defendants maintained objectively unreasonable conditions of confinement and knew that these conditions were unconstitutional.

To get past summary judgment, however, Lela needed to—but did not—furnish evidence that the defendants purposefully, knowingly, or recklessly created conditions that were objectively unreasonable. *See Kemp v. Fulton Cnty.*, 27 F.4th 491, 495 (7th Cir.

2022) (citations omitted); *Hardeman v. Curran*, 933 F.3d 816, 823 (7th Cir. 2019). The documents he cites say nothing about *his* conditions of confinement, let alone that the defendants responded or failed to respond in a manner that was objectively unreasonable. Indeed, the uncontroverted evidence reflects that jail officials took reasonable steps to maintain an adequate air-ventilation system and reasonably responded to Lela's grievance about the air-ventilation system by cleaning the air vents in his housing unit. The court's entry of summary judgment was proper.

Lela next argues that the district court erred in excluding his proposed expert witness—a retired trial lawyer—as not qualified. The court explained that a lawyer's experience litigating matters on a particular subject did not render him a specialist on that subject. The admissibility of expert testimony is governed by Rule 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). Such testimony is permitted if the witness is "an expert by knowledge, skill, experience, training, or education" and his opinion is "the product of reliable principles and methods" that have been applied to the facts of the case. FED. R. EVID. 702. We agree with the district court that Lela's proposed witness did not satisfy these standards. The trial lawyer's experience in litigating prison conditions of confinement did not qualify him to opine on causal relationships between air ventilation and medical ailments. *See, e.g., Goodwin v. MTD Prods., Inc.*, 232 F.3d 600, 609 (7th Cir. 2000) (an individual with a degree in mechanical engineering does not make him qualified to give expert opinion on the causation of an injury).

Lastly, Lela rehashes his argument that the district judge was biased against him and should have disqualified himself. He says that the court ignored certain documents when ruling against him at summary judgment. But adverse judicial rulings generally do not constitute a valid basis for disqualification, especially as here where there is no suggestion of "deep-seated favoritism or antagonism" that makes fair judgment impossible. *Liteky v. United States*, 510 U.S. 540, 555 (1994).

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IOAN LELA,

Plaintiff,

vs.

THOMAS J. DART, et al.,

Defendants.

Case No. 18 C 4058

MEMORANDUM OPINION AND ORDER

MATTHEW F. KENNELLY, District Judge:

The Court granted summary judgment against plaintiff Ioan Lela on July 8, 2024 and dismissed his claims, which arise from his incarceration at the Cook County Jail. Mr. Lela, who is proceeding *pro se* in this case, has moved to vacate the judgment under Federal Rule of Civil Procedure 60(b). But before addressing that motion, the Court must address another motion Mr. Lela has filed, in which he asks to disqualify the undersigned judge under 28 U.S.C. § 144 and 28 U.S.C. § 455.

Section 144 states that if a party "makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned" to decide the disqualification issue. 28 U.S.C. §144. Section 144 also requires, however, that a party's motion under that provision "shall be accompanied by a certificate of counsel of record stating that [the disqualification motion] is made in good faith." *Id.* Mr. Lela has not provided a certificate of counsel. For this reason, the section 144 motion is deficient on its face.

Exhibit ZZ

and thus assignment of a separate judge to decide the motion is not required. See *Watford v. LaFond*, 725 F. App'x 412, 414 (7th Cir. 2018).

The grounds for Mr. Lela's disqualification motion essentially boil down to the proposition that the Court committed gross error in various rulings in this case. That is almost never an appropriate basis for disqualification of a judge, see *Liteky v. United States*, 510 U.S. 540, 555 (1994); *Watford*, 725 F. App'x at 414; *Rolle v. Creedon*, No. 22-1720, 2023 WL 2185657, at *3 (Feb. 23, 2023), and it is not in this case. The Court's rulings are certainly subject to appeal by Mr. Lela, and it is clear that he vehemently disagrees with those rulings, but they do not provide a basis for disqualification of the undersigned judge. Rather, Mr. Lela's remedy is to appeal to a higher court. The Court therefore denies Mr. Lela's motion for disqualification.

Turning to Mr. Lela's motion under Rule 60(b) to vacate the judgment, the motion consists in its entirety of a repeat of arguments that Mr. Lela made in connection with the defendants' motion to strike his expert's report, the defendants' summary judgment motion, and various other matters. This is not a proper basis to seek reconsideration. See, e.g., *Vesely v. Armslist LLC*, 762 F.3d 661, 666 (7th Cir. 2014) (a motion to reconsider "is not to be used to 'rehash' previously rejected arguments"); *O'Grady v. City of Portage*, Nos. 21-1529 & 21-1530, 2022 WL 205435, at *2 (7th Cir. Jan. 24, 2022). The Court overrules these arguments for the reasons it stated in its prior orders.

On one specific point, Mr. Lela takes great umbrage at the Court's determination that he did not comply with Local Rule 56.1. See Dkt. no. 187 ¶¶ 36-37. The most important point on that is this: the Court *expressly* "determined to overlook Lela's noncompliance with Local Rule 56.1 and . . . considered all the materials he has

referenced in opposing the defendants' motion" Summary Judgment Decision at

2. So even if the Court erred regarding Local Rule 56.1 compliance, Mr. Lela was in no way harmed by that, because the Court considered *everything* he submitted.

In sum, Mr. Lela does not identify in his motion anything that he submitted in connection with the challenged rulings that the Court misunderstood or overlooked. Rather, he argues that the Court got it wrong. This is not a basis to ask this Court for a redo; rather it is a basis to appeal. Mr. Lela has offered no proper basis for reconsideration. The Court denies his motion to vacate the judgment.

Conclusion

The Court denies plaintiff's motion for disqualification [185] and his motion for relief under Rule 60(b) [187] for the reasons stated in this order.

Date: August 2, 2024


MATTHEW F. KENNELLY
United States District Judge

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