

**NONPRECEDENTIAL DISPOSITION**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**

Argued November 15, 2023

Decided December 27, 2023

*Before*

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-2790

JASON PETERSON,  
*Plaintiff-Appellant,*

*v.*

JOHN DRANNAN,  
*Defendant-Appellee.*

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

No. 20-cv-727-DWD

David W. Dugan,  
*Judge.*

**ORDER**

Jason Peterson, a former Illinois prisoner, sued several corrections counselors seeking damages under 42 U.S.C. § 1983 stemming from a delay in his release to supervision. On appeal he has narrowed his case to a single claim against John Drannan, a counselor who was responsible for forwarding his proposed release plan to the parole office for approval. Peterson wanted to be released to a specific halfway house operated by Wayside Cross Ministries. But Peterson's release conditions included GPS monitoring, and Drannan had been told by parole officers and a Wayside employee that the Wayside facility could not accommodate electronic monitoring. So

Drannan forwarded what's known as a "homeless plan" to the parole office, signaling that parole officers needed to work with Peterson to find a suitable release placement.

Peterson and the parole office could not agree on a host site by his scheduled release date, so he remained in prison by operation of state law. About a year later, he was released to the Wayside halfway house, which (as it turned out) could accommodate GPS monitoring after all. In his § 1983 suit, Peterson sought to hold Drannan liable for the additional time he spent in prison, which he claimed was a violation of his Eighth Amendment right against cruel and unusual punishment.

Drannan moved for summary judgment, arguing that no reasonable factfinder could conclude that he had been deliberately indifferent to Peterson's postrelease housing needs and timely release from prison. The district court agreed and granted the motion. We affirm the judgment.

### I. Background

We review the summary judgment *de novo*, construing the evidence in the light most favorable to Peterson as the nonmoving party. *See Perry v. Sims*, 990 F.3d 505, 511 (7th Cir. 2021). In 2018 Peterson was serving a sentence at the Vandalia Correctional Center with a scheduled supervised-release date of December 24 of that year. Two conditions of his release are important here: (1) Peterson was required to wear a GPS-monitoring device; and (2) he needed to reside at a host site specifically established for persons on supervised release. 730 ILL. COMP. STAT. 5/3-3-7(a)(5).

As Peterson's release date approached, he submitted a proposed release plan to Jeanie James, his correctional counselor, requesting placement at the Wayside Cross Ministries halfway house. He was determined to reside there and believed that it accepted parolees on GPS monitoring. James repeatedly told him that he could not go to the Wayside halfway house because it lacked a landline and thus was not suitable for GPS monitoring.

Peterson then tried a different tack, submitting his request directly to Vandalia's "field services" office, which was responsible for forwarding prisoners' proposed release plans to the parole office for review and approval. Drannan, a correctional counselor assigned to Vandalia's field-services office, processed Peterson's request.

Drannan was aware from prior conversations with parole officers that only two halfway houses in the state accepted parolees requiring GPS monitoring; Wayside was not one of them. Moreover, a Wayside representative had previously told Drannan that parolees who need GPS monitoring "can't come here." So Drannan declined to forward

Peterson's Wayside request to the parole office. And because Peterson had not requested any alternative locations, Drannan submitted a "homeless plan" to the parole office in anticipation of Peterson's forthcoming release. A "homeless plan" notifies the parole office that a prisoner does not have a host site for his release and needs to work with parole officers to secure a placement. Drannan knew that these notifications had worked successfully for prisoners in the past; the parole office would arrange for a prisoner to meet with representatives from eligible host sites who would assess the prisoner for placement.

Peterson filed a grievance concerning his request to be placed at the Wayside halfway house. He asserted that a Wayside representative had told him that he could reside there with a GPS-monitoring device, and he urged Vandalia to contact that person to secure his release to Wayside. Drannan, who also served as a Vandalia grievance counselor, denied the grievance. He explained that Peterson needed to find a home site, not a halfway house: "Per IDOC: GPS is not allowed to parole to anywhere but a home site. No halfway house of any kind. Moot."

Peterson submitted several other host-site requests to the parole office, but no placement agreement was achieved by his release date of December 24, 2018. Because he had no suitable housing arrangement in place, he was deemed to be in violation of his release conditions and therefore remained in prison by operation of state law. 730 ILL. COMP. STAT. 5/3-3-7(a)(5), -3-9(a)(3)(B).

A few months later Peterson was transferred from Vandalia to the Taylorville Correctional Center. He again requested approval of Wayside as his host site for supervised release. This time his request was forwarded to the parole office and approved (the record does not reveal why). Peterson was released to Wayside on January 10, 2020, one year and 17 days after his original release date.

As relevant here, Peterson sued Drannan under § 1983 seeking damages for the extra year he spent in prison. (He also sued James and two other counselors, but his appeal is limited to his claim against Drannan.) Peterson alleged that Drannan's actions—primarily his refusal to forward the Wayside request to the parole office—amounted to deliberate indifference to the risk of additional imprisonment, violating his Eighth Amendment right against cruel and unusual punishment.

Drannan moved for summary judgment, arguing that he acted reasonably to facilitate Peterson's release based on the facts known to him at the time: (1) he knew that GPS monitoring was a condition of Peterson's release; (2) he knew from prior conversations with parole officers and a Wayside representative that Wayside would

not accept a parolee on GPS monitoring; and (3) he knew that the parole office would work with Peterson to find suitable housing.

In response Peterson challenged Drannan's credibility, arguing that his rationale for not forwarding the Wayside request had shifted during litigation. When Drannan denied his grievance, he had relied on an IDOC policy prohibiting parolees on GPS monitoring from residing at halfway houses (an inference Peterson drew from the "per IDOC" language in Drannan's denial order). In contrast, in deposition and at summary judgment, Drannan appeared to acknowledge that there is no strict department policy prohibiting GPS monitoring at halfway houses; he instead focused on information he had received from the parole office that prisoners with a GPS-monitoring condition and a homeless plan could not request a specific halfway house but had to accept whatever placement was available. This shifting explanation, Peterson argued, was evidence of deliberate indifference. He also argued that the parole office's ultimate approval of his placement at Wayside showed that Drannan's actions had unnecessarily delayed his release.

The district court found these arguments insufficient to defeat Drannan's motion. Based on the undisputed evidence, the judge concluded that no reasonable juror could find that Drannan had been deliberately indifferent to Peterson's right to timely release.

## II. Analysis

To prevail on his Eighth Amendment claim, Peterson needed to prove that Drannan was deliberately indifferent to a known risk that he would be incarcerated without penological justification beyond his prison term. *See Whitfield v. Spiller*, 76 F.4th 698, 714 (7th Cir. 2023). "Deliberate indifference" is a rigorous test akin to "a criminal recklessness standard." *Armato v. Grounds*, 766 F.3d 713, 721 (7th Cir. 2014) (quotation marks omitted). We agree with the district judge that the evidence does not support an inference that Drannan was deliberately indifferent to a known risk that Peterson would be imprisoned without justification.

Under Illinois law a prisoner must have a proper host site for supervised release. 730 ILL. COMP. STAT. 5/3-3-7(a)(5), -3-9(a)(3)(B). Peterson was determined to reside only at Wayside, and Drannan knew from two credible sources—the parole office and a Wayside representative—that Wayside did not accept parolees like Peterson who require GPS monitoring. And because Peterson had suggested no other viable plan for his housing, Drannan notified the parole office of the problem by forwarding a "homeless plan" for Peterson.

Peterson responds that by never forwarding his request to live at Wayside, Drannan knew or recklessly disregarded a risk that Peterson would likely be reimprisoned. We disagree for two reasons. First, it is undisputed that the parole office had previously told Drannan that Wayside was an unacceptable halfway house for parolees on GPS monitoring. No evidence suggests that Drannan had any reason to believe that the parole office would agree to Peterson's preferred placement at Wayside. Second, Drannan enlisted the parole office—the unit responsible for securing acceptable host sites for prisoners prior to release—to coordinate with Peterson to find suitable alternative postrelease housing. On this record no reasonable juror could conclude that Drannan deliberately disregarded a known risk that Peterson would lack a housing placement and thus remain in prison when his release date arrived.

Nor could a jury find that Drannan recklessly ignored the possibility that Wayside might accept Peterson after all. A prison official does not violate the Eighth Amendment by reasonably relying on information that later turns out to be incorrect. *See Armato*, 766 F.3d at 721 (affirming summary judgment for prison officials who reasonably believed that Illinois law prevented a prisoner from leaving custody); *Whitfield*, 76 F.4th at 714–15 (affirming summary judgment for a supervisor who understood that a prisoner's failure to sign a release agreement prevented his release). Drannan reasonably relied on information known to him when he processed Peterson's housing request—information he had previously learned from two credible sources. He then handed the matter over to the parole office to find suitable housing for Peterson. No evidence suggests that these steps were unreasonable, much less recklessly indifferent to the risk of continued imprisonment.

Peterson has two other replies, but neither is persuasive. First, he argues that *Figgs v. Dawson*, 829 F.3d 895 (7th Cir. 2016), supports his theory that Drannan is responsible for his delayed release from prison. In *Figgs* we vacated a summary judgment in favor of a prison supervisor because the evidence suggested that she had violated the plaintiff's Eighth Amendment rights by failing to calculate his parole-release date, as was her job. *Id.* at 905. Peterson argues that Drannan is just as culpable because he failed to call Wayside to confirm whether it would accept parolees on GPS monitoring. But unlike the supervisor in *Figgs*, Drannan reasonably fulfilled his job responsibilities. He assessed and rejected Peterson's request for placement at Wayside by relying on information he had previously learned from two credible sources: a Wayside representative and the parole office. Based on this information, he referred the matter to parole officers—the officials responsible for securing housing placements for parolees—to assist Peterson with his housing needs.

Second, citing employment-discrimination cases by analogy, Peterson reiterates his argument that Drannan's explanation for not forwarding the Wayside request has shifted during litigation and thus lacks credibility. The analogy fails. Peterson needed evidence to support a reasonable inference that Drannan was deliberately indifferent to a known risk that his actions would delay Peterson's release and thus cause him to remain in prison without penological justification. There is no such evidence.

AFFIRMED