NONPRECEDENTIAL DISPOSITION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 October 2, 2024*
Decided October 29, 2024

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-1570

TERRANCE OLDEN, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Central District of Illinois.
v.	No. 3:20-cv-03037-SLD
SCOTT JACKSON, et al., *Defendants-Appellee*s	Sara L. Darrow, *Chief Judge*.

O R D E R

Terrance Olden, an Illinois prisoner, sued several prison staff members at Western Illinois Correctional Center in Mount Sterling, Illinois, for deliberate indifference to his safety after his cellmate attacked him with a cooking pot. *See* 42 U.S.C. § 1983. The district court entered summary judgment for the defendants, concluding that Olden had not exhausted his administrative remedies for one

* 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).

defendant and had failed to present any facts from which a reasonable jury could conclude the others were deliberately indifferent. We affirm.

Background

We recite the facts in the light most favorable to Olden, the party opposing summary judgment. *See LaBrec v. Walker*, 948 F.3d 836, 839 (7th Cir. 2020). In June 2018, Olden was placed with a cellmate, George Elie, with whom he clashed over cleanliness and hygiene. The pair argued about how infrequently Elie showered and washed his clothes, and Elie began stealing items from Olden's property box. After a month of living together, Olden sought placement in another cell, but he did not hear back from the Placement Office, Internal Affairs, or the prison's warden.

Olden then turned to prison staff for help. He told Dr. Ashwin Jayachandran, a physician who provided telepsychiatry services, that he felt threatened by his cellmate and needed to move. Olden also addressed his concerns with Rochelle Briney, a mental health professional with whom he met for monthly therapy. Olden told Briney either in person or through request slips that he did not feel comfortable in his cell and wanted to move. In late July, Olden labeled a request slip "urgent," stating that he and Elie were not getting along, he wanted to move to a different cell so he could listen to music, and he needed to meet with Briney immediately. Briney saw him soon after, and Olden told her that his cellmate was getting aggressive, bullying him, and might "wind up wanting to fight." At some point (the record is not clear when), Briney told Olden that she would look into having him moved, but she did not have the power to move him herself. The last time Olden met with Briney for therapy, he said he did not feel comfortable with Elie and wanted to move out of his cell.

On September 20, six days after his last meeting with Briney, Olden decided he could live with Elie no longer and packed up his belongings. He left his cell to attend Bible study. On the way, Olden saw Officer Cameron Avery and told him that Elie was stealing items from his commissary box, he and Elie were not getting along and he feared for his safety, and he wanted to move. Avery responded he would see what he could do. Olden then saw Lieutenant Scott Jackson and told him the same thing. Jackson instructed Olden to write to the Placement Office. After bible study, Olden saw Avery again and repeated his request to be moved, stating, "I don't want to go in there, man, because I know something gonna wind up happening." Avery responded that Olden could either return to his cell or receive a ticket. Olden returned to his cell.

After Olden entered the cell, Elie hit him in the head with a cooking pot and punched him. Olden fought back until staff arrived and broke up the fight. He sustained multiple injuries from the attack, including bruises and abrasions, and he developed migraines.

Olden later filed a grievance concerning the fight and the events leading up to it. He detailed his conversations with Avery and Jackson, and he further explained that he had sought a different placement for months but that "no effort was made" by the Placement Office, "Telepsyci," or Briney to help him. An officer denied the grievance, and Olden's appeal of the denial was unsuccessful.

Olden then filed this lawsuit, alleging the defendants violated his constitutional rights by failing to protect him from Elie's attack. The defendants moved for summary judgment. Dr. Jayachandran argued that Olden failed to exhaust his administrative remedies because his grievance did not provide a name or any other information that would identify the doctor to the grievance officer. Briney, Avery, and Jackson asserted that Olden failed to present facts from which a reasonable jury could infer that they were subjectively aware of a specific, impending, or substantial threat to his safety. They contended Olden complained generally about his cellmate but he did not alert them to any specific threat or the imminent need to act.

The district court agreed on all points and granted the defendants' motions for summary judgment. The court also denied Olden's several requests for counsel.

Analysis

On appeal, Olden challenges the district court's conclusions that the defendants were entitled to summary judgment. We review the district court's entry of summary judgment de novo. *LaBrec*, 948 F.3d at 839.

I. Rochelle Briney

Olden argues first that the district court erred in concluding he had not communicated a specific threat to Briney. The court reasoned that Olden's statements to Briney were too generalized to convey a specific risk to his safety. But Olden contends that his statements to Briney in late July that Elie was getting "aggressive" and "bullying" him communicated a "specific, credible, and imminent risk of serious harm." *See Gevas v. McLaughlin*, 798 F.3d 475, 481 (7th Cir. 2015).

We see no error. Olden's statements were not sufficient to show that Briney would have known that he faced a specific, impending threat to his safety. Although Olden generally conveyed his concerns that Elie was becoming "aggressive" and that he thought Elie might "wind up wanting to fight," he did not elaborate further and never told Briney that Elie had threatened to harm him. Indeed, Olden testified that his main issue with Elie during this time was his hygiene, cleanliness, and thievery. On their own, Olden's statements would not have alerted Briney to the need to act to prevent imminent violence. *Compare Grieveson v. Anderson*, 538 F.3d 763, 776 (7th Cir. 2008) (detainee's "vague" statements that "he was afraid and that he wanted to be moved" did not put jail officials on notice of specific threat to safety), *with Gevas*, 798 F.3d at 481 (prisoner's statements that cellmate threatened to stab him for "snitching" on prior cellmate alerted staff of imminent danger). And nothing else in the record shows that Briney was aware of an excessive risk to Olden's safety. For example, no evidence suggested that Elie had a history of violent behavior, was affiliated with a gang, or had any other characteristic indicating that his aggression would turn violent. *See LaBrec*, 948 F.3d at 841, 843–45 (explaining that courts must consider "the circumstances as a whole" when determining whether officers were subjectively aware of risk to prisoner).

Even if Olden's statements to Briney were sufficient to alert her to a substantial safety threat, the timeline of Olden's complaints to Briney does not support a conclusion that any risk was imminent. Olden testified that he told Briney about Elie's aggression and bullying after meeting with her in late July, two months before the attack. But when Olden met with Briney six days before the attack in late September, she could not have known that any risk was imminent: Olden told her only that he did not feel comfortable with Elie and wanted to move out of his cell. Because tension between Olden and Elie did not appear to be escalating, Briney would not have been on notice that immediate action was necessary. *See, e.g.*, *Owens v. Hinsley*, 635 F.3d 950, 954 (7th Cir. 2011) (defendants were unaware of imminent harm to prisoner who had been previously attacked by cellmate but with whom conflict appeared to have settled).

Olden responds that because Briney had met him soon after he sent the request slip and stated she did not have authority to move him, she tacitly acknowledged the threat of harm to him. But the record does not support this inference. Briney testified that if she had identified a threat, she would have filed an incident report and notified a shift commander. And as stated above, neither Olden's communications and their timing nor the circumstances would have placed her on notice of impending harm. Her

actions thus do not convey that she perceived an immediate, credible, and substantial risk to Olden.

II. Officer Avery and Lieutenant Jackson

Olden argues next that the district court similarly overlooked the statements he made to Officer Avery and Lieutenant Jackson on the day of the attack. But like Briney, Avery and Jackson were entitled to summary judgment because a reasonable jury could not conclude that they were aware of a substantial risk to Olden's safety. Olden told Avery and Jackson that he wanted to move cells because he and Elie were not getting along, Elie was stealing items from him, and Olden was scared that "something" was going to happen. But like his conversations with Briney, none of these statements were sufficient to convey to the officers that Olden faced a risk of impending and serious harm. *See Grieveson*, 538 F.3d at 776; *see also Dale v. Poston*, 548 F.3d 563, 569 (7th Cir. 2008) (after testifying against other inmates, prisoner's statements that some inmates were "pressuring" him and "asking questions" did not alert officers of threat). Moreover, there is no evidence in the record to suggest that Avery and Jackson were aware of any other circumstances that would have rendered plausible Olden's concerns about his safety. *See LaBrec*, 948 F.3d at 846 (officers were not aware of substantial risk of harm where they knew only that prisoner did not feel safe with cellmate, had visited Psychological Services, and had anxiety attack).

Olden responds his case is distinguishable from *Grieveson* and *Dale* because, unlike the plaintiffs in those cases, he repeatedly complained about his safety concerns and identified a specific "threat"—his cellmate—as the source of those concerns. But repeated complaints about a specific person are not necessarily sufficient to establish that prison staff were aware of the risk of harm. Like in *Grieveson* and *Dale*, Olden's statements did not offer enough information to prison staff to support the inference of a specific, impending risk of harm. *See Grieveson*, 538 F.3d at 776; *Dale*, 548 F.3d at 569.

III. Dr. Jayachandran

Olden also contends that the district court wrongly concluded that he had failed to exhaust his administrative remedies for his claim against Dr. Jayachandran. Olden asserts that the word "Telepsyci" fulfilled the purpose of the exhaustion requirement—to give the prison an opportunity to address a prisoner's complaint—because it sufficiently identified Dr. Jayachandran. But without any other descriptors, "Telepsyci" did not give the prison enough information to investigate the subject of the grievance.

See King v. Dart, 63 F.4th 602, 608 (7th Cir. 2023). Dr. Jayachandran presented evidence that four different psychiatrists provided services at the prison, and that three worked on any given day. Olden did not provide a date or time of his appointment or provide any other information to distinguish the doctor from the three other psychiatrists who worked at the prison. *See, e.g.*, *id.* at 608 (detainee failed to exhaust because description of "Division 9 CCDOC Staff" in grievance did not sufficiently identify defendant "or any other correctional officer" as person responsible for his injury).

Olden counters that because his grievance was addressed on the merits, Dr. Jayachandran cannot rely on the failure to exhaust as a defense. *See Maddox v. Love*, 655 F.3d 709, 722 (7th Cir. 2011). But *Maddox* is distinguishable. There, the prisoner's failure to name the defendant in the grievance did not prevent the prison from identifying the defendant and responding to the prisoner's complaints. *Id.* Here, however, the prison could not fairly identify that Olden was referring to Dr. Jayachandran and could not address the issue on the merits. *See King*, 63 F.4th at 608–09 (distinguishing *Maddox* and explaining that detainee failed to exhaust because jail was not aware of issue with unnamed officer, although remainder of grievance against other jail staff was otherwise addressed on the merits). The court's entry of summary judgment for Dr. Jayachandran was therefore proper.

IV. Remaining Arguments on Appeal

Olden's remaining contentions lack merit. He asserts generally that the district court improperly made credibility determinations, but he does not identify any specific instance of error, and we see none. Next, he argues that the court applied the incorrect legal standard when denying his requests for counsel. But the court engaged in the correct analysis in both orders denying Olden's requests for counsel: It noted that the pending motions for which Olden sought assistance were not complex and that his filings had been literate and on point. *See Pruitt v. Mote*, 503 F.3d 647, 654–56 (7th Cir. 2007) (en banc). The district court thus did not abuse its discretion in denying Olden's requests. *See id.*

AFFIRMED