

**NONPRECEDENTIAL DISPOSITION**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 November 7, 2024\*

Decided November 8, 2024

**Before**

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-1172

ISRAEL RUIZ,  
*Plaintiff-Appellant,*

*v.*

WALLACE STROW, et al.,  
*Defendants-Appellees.*

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

No. 20-cv-4267

James E. Shadid,  
*Judge.*

**ORDER**

Israel Ruiz, an Illinois prisoner, sued a prison dentist and the dentist's assistant for failing to treat his swollen, bleeding, and painful gums, in violation of the Eighth Amendment. *See* 42 U.S.C. § 1983. The district court entered summary judgment against

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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).

Ruiz, finding no evidence that the defendants acted with deliberate indifference. We affirm.

We recount the record in the light most favorable to Ruiz, the party opposing summary judgment. *Brown v. LaVoie*, 90 F.4th 1206, 1211 (7th Cir. 2024). Ruiz arrived at Henry Hill Correctional Center in May 2016. Prison dentist Wallace Strow conducted an intake examination and observed no emergent dental needs.

A year later, in May 2017, Dr. Strow saw Ruiz for his biannual dental examination. Ruiz says that he complained of swelling, bleeding, and pain in his gums. Dr. Strow's notes reflect that he saw minimal redness to a localized area of Ruiz's gums, indicating slight gingivitis. Gingivitis causes gums to become red and inflamed. Dr. Strow gave Ruiz oral-hygiene instructions. Ruiz requested a different toothpaste but was told by dental assistant Robin Gilliam Randolph that the dental department had no control over the type of toothpaste sold at the commissary. Ruiz also asked for a teeth cleaning, but the prison did not have a dental hygienist and teeth cleaning was not available at the prison at that time.

Two days later, Ruiz filed a grievance complaining of bleeding gums and plaque build-up, and again asked for a teeth cleaning and specific toothpaste. A grievance officer responded that Dr. Strow had reviewed his dental records and saw no issues.

In August, Ruiz put in a sick-call request for a dental appointment because his gums bled when he brushed and flossed his teeth. Gilliam Randolph responded that he needed to brush and floss carefully.

In late November, a dental appointment was scheduled at Ruiz's request. He says he complained that his gums were swollen, bleeding, and painful, though his dental records do not reflect these complaints. He asked for a teeth cleaning, and Gilliam Randolph told him that cleanings were not offered at Hill.

Ruiz then brought this deliberate-indifference suit against Strow, Gilliam Randolph, and other prison personnel. The district court screened the complaint, *see* 28 U.S.C. § 1915A, and determined that Ruiz failed to state a claim against all defendants except Strow and Gilliam Randolph.

Discovery ensued, and the district court entered summary judgment for the defendants. The court concluded that Ruiz presented no evidence to suggest that the

condition of his gums was an objectively serious medical need and, regardless, the undisputed evidence established that the defendants were not deliberately indifferent to his medical needs.

The Eighth Amendment protects prisoners from being subjected to deliberate indifference to their serious medical needs. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). To succeed on a deliberate-indifference claim, Ruiz had to show that he suffered from an objectively serious medical condition and that prison officials knew of and consciously disregarded an excessive risk to his health. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994); *Petties v. Carter*, 836 F.3d 722, 728 (7th Cir. 2016) (en banc).

On appeal, Ruiz argues first that the district court ignored evidence showing that his dental condition was a serious medical need. He points to his August 5 sick-call request in which he asked to be seen because his gums bled when he flossed or brushed his teeth. He also refers to his November 28 grievance in which he complained about swelling, bleeding, and pain in his gums.

As the district court recognized, gingivitis can be a serious medical condition, *see Board v. Farnham*, 394 F.3d 469, 483 n.7 (7th Cir. 2005), but mild symptoms that are treatable by brushing and flossing do not rise to that level. And here, Ruiz did not present evidence suggesting that he suffered from a condition that posed any risk of harm.

But even if we assume that his condition was objectively serious, he did not introduce enough evidence to suggest that the defendants were deliberately indifferent to his gum condition. He specifically regards their decision not to clean his teeth as a substantial departure from accepted professional judgment. *See, e.g., McDaniel v. Syed*, 115 F.4th 805, 832 (7th Cir. 2024). He invokes, for instance, the deposition testimony of the defendants' expert that a teeth cleaning is the accepted professional treatment for bleeding gums. But while the expert testified that a cleaning would be one course of treatment for gingivitis, the standard treatment is twice-daily brushing and daily flossing. Ruiz's disagreement with the defendants' preferred course of treatment is a dispute concerning the exercise of a professional's medical judgment and does not support a finding of an Eighth Amendment violation. *See Cesal v. Moats*, 851 F.3d 714, 722 (7th Cir. 2017). To the extent Ruiz believes that the defendants should have referred him to another facility to receive a cleaning, the defendants' refusal to do so was not blatantly inappropriate given the absence of any emergent dental needs. *See Pyles v. Fahim*, 771 F.3d 403, 411 (7th Cir. 2014).

Next, Ruiz challenges the district court's denials of his two motions to recruit counsel. He first sought counsel during the discovery stage, emphasizing his need for assistance because of an unspecified learning disability, various health conditions, the closure of the law library during the COVID-19 pandemic, and the unavailability of a friend who had been helping with his case. But the court appropriately exercised its discretion to deny the request. The court found him competent to represent himself based on the quality of his written submissions, his prior experience litigating medical deliberate-indifference cases, and the lack of complexity of the legal issues. *See Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc). The court also assured Ruiz that it would consider time extensions if medical conditions or lack of library access prevented him from litigating his claims. Ruiz sought counsel a second time after the defendants moved for summary judgment, and the court duly reiterated that the quality of his submissions (and his ability to include relevant exhibits) showed that he was competent to litigate his claims.

We have considered Ruiz's remaining arguments (e.g., that the district court erred by dismissing all other defendants at screening and, later, by declining to sanction Gilliam Randolph for not answering certain deposition questions), but these are not sufficiently developed to permit review. *See* FED. R. APP. P. 28(a)(8); *Anderson v. Hardman*, 241 F.3d 544, 545–46 (7th Cir. 2001).

AFFIRMED