

NONPRECEDENTIAL DISPOSITION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 December 10, 2024*

Decided December 19, 2024

Before

DIANE S. SYKES, *Chief Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-1104

ANDREAS L. MOORE, JR.,
Plaintiff-Appellant,

v.

KARL HOFFMAN, et al.,
Defendants-Appellees.

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

No. 20-cv-918-wmc

William M. Conley,
Judge.

ORDER

While confined at New Lisbon Correctional Institution,¹ Andreas Moore, Jr. slipped and fell on an icy walkway, fracturing his wrist. Moore asserts that employees

* 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).

¹ Moore has since been transferred to the Kenosha Correctional Center.

at the facility violated Wisconsin state law by failing to maintain the walkway and that medical professionals violated his rights under the Eighth Amendment by failing to provide adequate medical care after his injury. *See* 42 U.S.C. § 1983. The district judge concluded that Moore did not present sufficient evidence from which a reasonable jury could infer that the medical professionals were deliberately indifferent to his serious medical needs and entered summary judgment for the defendants. We affirm.

We recount the facts and draw all inferences in a light most favorable to Moore, the party opposing summary judgment. *Petties v. Carter*, 836 F.3d 722, 727 (7th Cir. 2016) (en banc). In February 2019, Moore slipped on an icy walkway that, according to orders given by New Lisbon's Building and Grounds Supervisor Gary Asberry, was supposed to have been cleared of ice and snow. Moore landed on his right wrist. He was promptly seen by Nurse Bridget Rink, who observed that the wrist was swollen and had limited motion. Rink ordered a wrist brace and pain medication, and she referred Moore to a doctor.

That same day, Moore was seen by a doctor at the prison, Karl Hoffman, who suspected a fractured wrist. Hoffman immobilized Moore's wrist with a thumb splint, prescribed pain medication, and scheduled an x-ray. But the pain persisted, and Moore complained to the Health Services Unit that the pain was impeding his sleep. Moore received an x-ray, and the following day Hoffman applied a cast to his wrist. Hoffman also imposed various requirements over the next twelve weeks: Moore would be assigned to a lower bunk and prohibited from lifting or participating in athletics. Shortly thereafter, the x-ray confirmed a wrist fracture.

In February, Hoffman saw Moore and noted a fracture with "delayed healing." Several days later, Hoffman amended his notes, stating that he had accidentally selected the wrong pop-up option on the computer and that his "delayed healing" entry was incorrect. Hoffman added a notation that Moore's wrist was stiff and sensitive to touch.

From April to June, Moore continued to complain to medical staff that the pain was interfering with his sleep, that his cast was irritating his skin, that the pain medication was not working, and that his wrist was not healing properly. For some of these complaints, nonparty nurses gave Moore tape for his cast, a sling, and instructions on how to ice and elevate his wrist. For other complaints, Hoffman adjusted Moore's medication, replaced his cast, and ordered additional x-rays. Around three months after Moore had received his cast, Hoffman reviewed Moore's recent x-rays, saw that his wrist was not healing completely, and referred him to a specialist at the University of

Wisconsin Hospital's Division of Plastic Surgery. The specialist there removed Moore's cast and examined his wrist, and then recommended an MRI to assess the fracture, followed by surgery (to reduce Moore's risk of developing arthritis from a fracture that had incompletely healed).

In the weeks that followed, delays in scheduling surgery entailed continued monitoring by Hoffman and the nurses. A new x-ray showed that Moore's wrist had yet to properly heal. He complained that he had not received an MRI and a replacement cast, but Health Services Unit Manager Roslyn Huneke responded that his treatment plan was being followed and that an MRI had been scheduled. Hoffman then met with Moore and conveyed the specialist's opinion that a cast was no longer needed. After Moore received an MRI that revealed a fracture at the base of his thumb, he was given a wrist brace. In response to his continuing complaints of pain, a nonparty nurse extended Moore's low-bunk restriction and told him how to wear the brace and use ice. Hoffman increased the dose of ibuprofen and prescribed topical pain medication. As the operation approached, Hoffman—concerned about the effect of pain medication on Moore during surgery—prescribed only a sedating sleep medication rather than Moore's preferred stronger pain medication.

In October, Moore had surgery on his wrist at the University of Wisconsin Hospital's Division of Plastic Surgery. Afterward, the specialist prescribed oxycodone, but Hoffman denied the prescription based on his judgment that it would not reduce Moore's pain and would only pose a security risk in the prison environment. Moore's subsequent requests for oxycodone went unheeded, as Hoffman and nonparty nurses—citing security risks—gave him laxatives for his complaints of constipation; continued a regimen of antidepressants to aid with sleep, tramadol for pain; and gave him a splint. Hoffman scheduled a follow-up appointment with the hand specialist and referred Moore to a physical therapist.

After Moore filed this suit, the district judge allowed him to proceed with his Eighth Amendment and state-law negligence claims against Rink, Huneke, Hoffman, and Asberry. Moore asserted that Rink ignored his complaints of pain; that Huneke disregarded his need for effective pain relief, including oxycodone; that Hoffman knew of his need for surgery but delayed ordering it for months and withheld effective pain medication; and that Asberry failed to maintain the icy walkway where he fell.

The district judge entered summary judgment for the defendants, concluding that a reasonable jury could not find that the defendants acted with deliberate

indifference to Moore's serious medical needs. (The parties do not dispute that a fractured wrist is an objectively serious medical condition for purposes of the Eighth Amendment.) The judge noted that he had accepted the defendants' version of facts based on Moore's failure to properly contest them, in violation of the court's local rules. As for the merits, beginning with Rink, the judge explained that she promptly saw and responded to Moore's injury by evaluating his wrist and referring him to a doctor. As for Huneke, the judge found that she was involved in Moore's care only minimally, and that when she was involved, she appropriately responded to his complaints and followed up with specialists to clarify his treatment plan. Regarding Hoffman, the judge found "almost nothing" in the record to suggest that he was deliberately indifferent to Moore's fractured wrist: Hoffman saw Moore regularly during the preoperative healing period; referred Moore to an orthopedic specialist immediately upon the first signs of incomplete healing; followed the specialist's recommendations for an MRI and then surgery; and responded to Moore's complaints of pain by prescribing pain medication at varied doses, as well as comfort measures such as ice and a low-bunk restriction. As for Moore's remaining state claims, the judge declined to exercise supplemental jurisdiction over them.

Moore's brief on appeal recounts the course of his medical treatment and his version of events. We are mindful of Moore's status as a pro se litigant, but that does not excuse him from following the court's rules for responding to a summary judgment motion. *See Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008) (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)). (We note that the judge accounted for Moore's pro se status by considering the facts he disputed where supported by some credible evidence.) At the end of the day, Moore cannot point to evidence in the record calling into question the conclusion that no reasonable jury could find in his favor on any of his claims. For substantially the reasons stated by the district judge, we affirm.

AFFIRMED