

NONPRECEDENTIAL DISPOSITION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 January 7, 2025*

Decided January 10, 2025

Before

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-1426

CHRISTOPHER JACOB,
Plaintiff-Appellant,

v.

MICHAEL FIELD and DILIP TANNAN,
Defendants-Appellees.

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

No. 22-C-875

William C. Griesbach,
Judge.

ORDER

Christopher Jacob, a Wisconsin prisoner, appeals the summary judgment entered in favor of a doctor and a nurse who treated Jacob's hypertension and attention deficit hyperactivity disorder. He contends that they deliberately ignored these two conditions in violation of his Eighth Amendment rights. *See* 42 U.S.C. § 1983. But the undisputed

* 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).

record shows that the defendants exercised acceptable medical judgment when treating Jacob. Because they complied with his Eighth Amendment rights, we affirm.

We recite the facts with all reasonable inferences drawn in favor of Jacob, the non-movant at summary judgment. *McDaniel v. Syed*, 115 F.4th 805, 821–22 (7th Cir. 2024). From 2017 through 2022, Dr. Dilip Tannan treated Jacob for hypertension. After one year of treating Jacob’s persistently high blood pressure with medication, Tannan contacted the psychiatrists treating Jacob for his ADHD. Based on his medical training, Tannan suspected that Jacob’s amphetamine-based ADHD medicine might be raising Jacob’s blood pressure, and he wanted to discuss halting that medication. Jacob’s psychiatrists rejected this proposal. They reasoned that the ADHD medication was necessary to treat his ADHD symptoms and to help him focus while at work.

The following year, Michael Field, a psychiatric nurse, began treating Jacob’s ADHD. Tannan intervened again and contacted Field to reprise his inquiry from a year earlier about discontinuing Jacob’s ADHD medication. In November 2020, Field stopped that treatment, citing Jacob’s high blood pressure, Tannan’s concerns that the ADHD drug was keeping Jacob’s blood pressure high, and the fact that Jacob had not worked for months, obviating one reason for the ADHD drug.

Jacob objected to Field’s decision to halt the amphetamine-based ADHD drug. He refused to see Field for three months, until early 2021. In October 2021, eight months after he was willing to see Field again, Jacob reported to Field deep depression, anxiety, and ADHD, symptoms that, Jacob argues to us on appeal, he experienced as soon as Field stopped his amphetamine-based medication. On Tannan’s recommendation, Field prescribed in succession two non-amphetamine drugs for ADHD. Jacob tried them but stopped taking them within a month, complaining of side effects.

Tannan continued to see Jacob regularly for his hypertension until May 2022. During this period, Jacob sometimes refused to take his blood pressure medicine. Tannan proposed alternative drugs for Jacob and advised him to consume fewer salty foods. Tannan did not order a low-sodium diet for Jacob or send him to a hypertension specialist because none of Jacob’s test results suggested that he needed a specialist.

Jacob has now sued Tannan and Field, accusing them of deliberate indifference to his medical conditions. The two defendants moved for summary judgment, which the district court entered. The court reasoned that no reasonable jury could find that Tannan was deliberately indifferent to Jacob’s hypertension or ADHD because Tannan repeatedly tried to lower Jacob’s blood pressure and his suggestion that Field stop

Jacob's ADHD medicine was based on medical judgment. Regarding Field, the court ruled that the record compelled the conclusion that he halted the amphetamine-based ADHD drug after carefully considering Jacob's health needs; further, any delay in prescribing a replacement was explained by Jacob's insistence on a stimulant-based drug.

On appeal, Jacob contests the adverse summary judgment. To get to a trial on his Eighth Amendment claims, he must furnish evidence that would permit a jury to find that the defendants showed "deliberate indifference" to his "serious medical needs." *Farmer v. Brennan*, 511 U.S. 825, 835 (1994). Deliberate indifference requires evidence that the defendants knew of and disregarded a substantial risk of harm. *Id.* at 837. Further, we defer to a medical professional's judgment unless no minimally competent professional would have so responded. *McDaniel*, 115 F.4th at 832.

Jacob first argues that a jury could find that Tannan was deliberately indifferent to his hypertension by pursuing an ineffective course of treatment from 2017 to 2020, but the record does not support this contention. He insists that, after Tannan increased the dosage of his blood pressure medication in 2017, he did nothing until 2020 despite seeing Jacob's condition deteriorate. But it is undisputed that, beginning in 2018, once Tannan saw that the new dosage had not reduced Jacob's blood pressure, he explored other reasonable options: Relying on his medical training and awareness that stimulant-based ADHD drugs can aggravate hypertension, Tannan twice intervened to discuss halting that drug, eventually succeeding in stopping that treatment. To avoid summary judgment on his contention that these interventions, or their timing, substantially departed from acceptable practice, Jacob had to offer expert testimony or other comparable evidence on that contention. *See White v. Woods*, 48 F.4th 853, 862 n.4 (7th Cir. 2022). But no evidence suggests that the timing or fact of Tannan's efforts to take Jacob off his ADHD medication in order to lower his blood pressure departed at all, let alone substantially, from acceptable medical judgment.

Jacob has two unavailing replies. First he argues that his unresolved high blood pressure alone is sufficient evidence that Tannan was deliberately indifferent to his condition. But an ineffective treatment by itself does not evince a violation of the Eighth Amendment. *See Thomas v. Martija*, 991 F.3d 763, 772 (7th Cir. 2021). Second, Jacob contends that Tannan deliberately ignored Jacob's needs because he did not order low-sodium meals for Jacob or send him to see a specialist. But without evidence that these steps were essential, a disagreement over treatment does not require a trial on an Eighth Amendment claim. *Johnson v. Dominguez*, 5 F.4th 818, 826 (7th Cir. 2021).

That brings us to Field. Jacob first conjectures that Field stopped prescribing amphetamine-based drugs for his ADHD because Field distrusted Jacob's self-reported ADHD symptoms. But emails and notes from Field incontrovertibly reflect that he discontinued the ADHD drug because Jacob's blood pressure stayed high, the ADHD drug was arguably keeping it high, and Jacob no longer needed that drug because he was not working. This evidence shows that Field permissibly relied on medical judgment. *See Wilson v. Wexford Health Sources, Inc.*, 932 F.3d 513, 520 (7th Cir. 2019). Next, Jacob contends that Field's decision to stop ADHD medicine "cold turkey" was inappropriate. But Jacob does not provide any medical evidence in support.

Finally, Jacob argues that Field deliberately ignored his mental health needs for eight months—between the time that Jacob was willing to resume seeing Field in early 2021 and late 2021, when Field began prescribing non-stimulant ADHD drugs. Jacob asserts in his brief on appeal that during this eight-month gap he told Field that he was feeling suicidal, and Field did nothing. But Jacob did not attest in an affidavit that he told Field about suicidal thoughts during these eight months; thus he cannot get to trial on a claim that Field ignored a known threat of suicide. *Quinn v. Wexford Health Sources, Inc.*, 8 F.4th 557, 566 (7th Cir. 2021). Further, Jacob's medical records undisputedly show that when he did report these symptoms to Field, in October 2021, Field prescribed new medication. On this record, a reasonable jury could not find that Field deliberately ignored Jacob's mental-health needs.

AFFIRMED