

**NONPRECEDENTIAL DISPOSITION**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 February 13, 2025\*

Decided February 14, 2025

*Before*

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1670

JAMAINE BROWN,  
*Plaintiff-Appellant,*

*v.*

NATHANIEL SILVA,  
*Defendant-Appellee.*

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

No. 22-cv-1522-bhl

Brett H. Ludwig,  
*Judge.*

**ORDER**

Jamaine Brown, a Wisconsin prisoner, appeals the grant of summary judgment for Nathaniel Silva, a correctional officer, in Brown's suit alleging that Silva violated his Eighth Amendment rights by needlessly placing Brown in danger of falling down the

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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).

stairs and then causing him to fall. *See* 42 U.S.C. § 1983. Because the video recording of the incident resolves any factual disputes in Silva's favor, we affirm.

At the time of the incident, Brown was housed in a second-floor cell in the Restrictive Housing Unit of Waupun Correctional Center. On October 24, 2022, Silva was assigned to the unit and was responsible for escorting prisoners to and from the showers. Though Brown had sciatica, sometimes walked with a limp, and had previously fallen, he had no medical restrictions on how he was to be escorted. Nevertheless, when Silva escorted Brown, Silva usually disregarded the unit's policy that prisoners' hands must be cuffed behind them and would instead cuff Brown's hands in front to alleviate his difficulty walking. On the day of the incident, however, Silva cuffed Brown with his hands behind him.

That day Silva also told Brown that he had to shower downstairs, even though the second-floor showers on his floor were empty. (Silva disputes that those showers were unoccupied when Brown's turn came.) After Brown's shower, Silva escorted him back to the stairs and told Brown not to fall, because he would not catch Brown. (Silva also disputes that he said this.) At the top of the staircase, Brown's legs gave out, Silva lost hold of Brown's arm, and Brown fell backwards down the full flight of stairs. After the fall, Brown was taken to the emergency room and diagnosed with a concussion, neck strain, and bruises.

Brown sued Silva under 42 U.S.C. § 1983 for allegedly violating his rights under the Eighth Amendment. Brown asserted that Silva was deliberately indifferent to a serious risk of harm to Brown because he cuffed Brown's hands in the back, needlessly forced Brown to navigate stairs, and finally intentionally "dropp[ed]" Brown down the flight of stairs. Silva first moved for summary judgment on the ground that Brown had not exhausted his administrative remedies, but the district court denied the motion. Silva then moved for summary judgment on the merits, submitting as evidence a video of the incident to support his argument that he had not been deliberately indifferent.

The court agreed with Silva and granted his motion. The video, the court observed, directly contradicted Brown's statement that Silva had intentionally dropped him. Instead, it showed Silva tightly holding onto Brown's arm and slowly and carefully walking up the stairs with him. When Brown slipped at the top of the stairs, Silva's grip broke, but Silva still attempted to regain his hold on Brown and stop him from falling. After the fall, Silva and other nearby officers immediately rushed to assist Brown. Based on that video, the district court concluded that a reasonable jury could not find deliberate indifference in how Silva escorted Brown. Silva's decisions to cuff

Brown in back and have him shower downstairs were—at most—evidence of negligence.

On appeal, Brown does not directly address the video, but he now contends that Silva was “rushing” and “pushing” him, describing Silva as an “aggressor.” He insists that Silva created a serious risk to Brown by forcing him to take the stairs with his hands cuffed behind him and showed deliberate indifference to the risk by rushing and pushing him up the stairs. We review summary judgment decisions de novo. *Balle v. Kennedy*, 73 F.4th 545, 553 (7th Cir. 2023). And although we generally draw all reasonable inferences in favor of the non-moving party, we will not adopt that party’s version of the facts when it is “blatantly contradicted by the record.” *Scott v. Harris*, 550 U.S. 372, 380 (2007). Because we have a video recording of the incident, and Brown does not develop an argument that it was doctored or fails to show pertinent details, we instead view the facts in “the light depicted by the videotape.” *Jones v. Anderson*, 116 F.4th 669, 677 (7th Cir. 2024) (citation omitted).

For his deliberate indifference claim to survive summary judgment, Brown had to submit evidence from which a reasonable jury could find both that the complained-of condition posed an excessive risk to Brown’s health and safety and that Silva knew of, yet disregarded, the risk. *Farmer v. Brennan*, 511 U.S. 825, 842 (1994); *Stockton v. Milwaukee Cnty.*, 44 F.4th 605, 614–15 (7th Cir. 2022). We assume for present purposes that navigating stairs with his hands cuffed behind presented an excessive risk to Brown’s health and safety, given his difficulty walking and documented history of falls. We also credit Brown’s sworn statement that Silva was aware of these mobility difficulties.

But Brown’s claim falters when it comes to proving that Silva consciously disregarded the risk. An official is not liable for deliberate indifference to a known risk if he takes steps to abate that risk. See *Farmer*, 511 U.S. at 844–45; *Balsewicz v. Pawlyk*, 963 F.3d 650, 655 (7th Cir. 2020). This is so even if the harm is not averted. *Farmer*, 511 U.S. at 844–45. Silva’s careful efforts to assist Brown up the stairs demonstrate an attempt to lessen the risk of harm to Brown and thus preclude a finding that Silva acted with deliberate indifference. See *Balle*, 73 F.4th at 558 (citing *Bagola v. Kindt*, 131 F.3d 632, 646 (7th Cir. 1997)). Indeed, it would be difficult to infer even negligence on Silva’s part. The video establishes that, contrary to Brown’s assertions, Silva did not push or rush Brown; instead, Silva tightly held Brown by the arm and walked very slowly with him up the stairs. The video also shows that the direct cause of Brown’s fall was his foot

slipping on the top step—a simple accident. Accidents are not Eighth Amendment violations. *See Farmer*, 511 U.S. at 835.

AFFIRMED