NONPRECEDENTIAL DISPOSITION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 April 4, 2025*
Decided April 11, 2025

Before

DIANE S. SYKES, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2312

SHANE T. LANCOUR,
Plaintiff-Appellant,

v.

JIM VERSE, et al.,
Defendants-Appellees.

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

No. 20-cv-726-wmc

William M. Conley,
Judge.

ORDER

Shane Lancour, a pretrial detainee at the La Crosse County Jail, got caught in the middle of a fight among other inmates and droplets of blood and saliva landed on his face, hair, and clothing. Lancour sued members of the jail staff alleging violations of his rights under the Fourteenth Amendment. *See* 42 U.S.C. § 1983. At screening the district

* 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).

judge permitted Lancour to proceed on two claims: the first centered on his allegation that jail staff implemented an unreasonably dangerous policy of temporarily locking detainees out of their cells; the second concerned his allegation that jail staff did not give him access to a shower and new clothes quickly enough. The judge later entered summary judgment for the defendants because nothing in the record suggests that they acted unreasonably in any respect. We affirm.

Two jail policies are relevant here: the lockout policy and the lockdown policy. The lockout policy prevented detainees from entering their cells from 8:00 a.m. to 1:00 p.m. each day. The detainees had to stay in a central dayroom to allow jail staff to confirm their well-being easily and to "find inmates and get them to court, attorney meetings, classes, medical appointments and other appointments." The lockdown policy allowed staff to lock all detainees in their cells if necessary for the safety of the staff and the detainees, as would be necessary to restore order and to investigate fights.

Lancour's suit stems from two fights that broke out in the dayroom on a Sunday in June 2018, while detainees were locked out of their cells. During the second fight, one detainee tried to spit blood and saliva on another, but Lancour was caught in the middle and the blood and spit landed on his face, in his hair, and on his clothing. He described the droplet spray as "a bunch of little droplets … like someone took a paint brush and like ran their thumb across the end of the bristles to throw some paint."

The fight prompted jail staff to order the inmates back to their cells and lock down the cellblock for five and a half hours while they investigated. During that time, Lancour used the intercom system to ask for clean clothes and a shower, but his requests were denied; when he continued to press the call button, jail staff stopped responding. Lancour successfully removed his dirty uniform shirt (he had a clean t-shirt on underneath) and used a washcloth, soap, and running cold water in his cell to rinse his mouth and wash his face (the hot water had low pressure). Although the entire cellblock locked down, one detainee was allowed to leave his cell for a video visit in the dayroom. Lancour received a clean uniform and access to a shower as soon as he was released from his cell after the lockdown ended.

Lancour sued seven members of the jail staff alleging Fourteenth Amendment violations arising from the way in which they responded to the fights and his need to clean up after the blood and saliva landed on him. The district judge screened the complaint and dismissed any claim related to Lancour's vague allegations regarding inadequate medical care. But the judge permitted Lancour to proceed on two claims: one centered on the lockout policy that required detainees to be in the dayroom, and

another related to Lancour's allegations about delayed access to a shower and clean clothes.

The judge eventually entered summary judgment in the defendants' favor on both claims. The judge explained that no evidence suggested that the lockout policy was unreasonable or that the defendants unreasonably implemented it. He also concluded that the approximately five-hour delay in Lancour's access to clean clothes and a shower—a byproduct of the lockdown in the immediate aftermath of the fights—was not unreasonable.

Lancour appealed the summary judgment. We review the judge's ruling de novo. *Arnett v. Webster*, 658 F.3d 742, 757 (7th Cir. 2011). Constitutional claims regarding the conditions of pretrial detention are governed by an objective standard grounded in the Fourteenth Amendment's guarantee of due process: the inquiry turns on whether the challenged action by jail officials is "rationally related to a legitimate nonpunitive governmental purpose" or "excessive in relation to that purpose." *Kingsley v. Hendrickson*, 576 U.S. 389, 398 (2015) (quoting *Bell v. Wolfish*, 441 U.S. 520, 561 (1979)); *see also Hardeman v. Curran*, 933 F.3d 816, 822 (7th Cir. 2019). When analyzing objective unreasonableness, we defer to the jail staff's legitimate methods for preserving order and security. *Mays v. Dart*, 974 F.3d 810, 820–21 (7th Cir. 2020).

Lancour argues that the lockout policy was objectively unreasonable because it risked that detainees confined to the dayroom's close quarters would fight. He concedes that the policy serves legitimate objectives such as enabling detainees to meet with their attorneys, receive visitors, attend classes, and go to medical appointments on weekdays, but he insists that those justifications did not apply on weekends, when the fights at issue here occurred. Yet Lancour does not dispute that the lockout policy also allowed jail staff to more easily monitor and confirm the well-being of detainees every day, including weekends. As such, the policy is rationally related to keeping order in the jail. *See id.* And even if the policy is imperfect because it may at times lead to clashes between detainees, a jail's "policy need not be perfect in order to … be rational." *Russell v. Richards,* 384 F.3d 444, 448 (7th Cir. 2004). Lancour replies that because staff eventually stopped using the lockout policy, it was unreasonable. But again, the possibility of better policies—even one later adopted—is not by itself sufficient to show that the rescinded policy was irrational. *See Lapre v. City of Chicago*, 911 F.3d 424, 431–32 (7th Cir. 2018).

Lancour next argues that jail staff should have given him access to clean clothes and a shower before the lockdown ended, but the record does not support a triable

claim that they behaved unreasonably. It is uncontested that, during the lockdown, staff allowed Lancour to remove his soiled shirt and to wash all the "droplets" off with soap and water from the sink in his cell. And even though his cell had inadequate hot water pressure, Lancour was able to use the soap, washcloth, and cold water to clean his face and mouth. Further, the jail staff used the lockdown to restore order and investigate the fights that led to it. Thus, the decision to keep Lancour in his cell during lockdown was a reasonable solution for maintaining order and security under the circumstances, a decision to which we defer. *See Mays*, 974 F.3d at 820.

Furthermore, contrary to Lancour's view, it does not matter that another detainee was allowed to leave his cell during the lockdown. "Where disparate treatment is not based on a suspect class and does not affect a fundamental right, prison administrators may treat inmates differently as long as the unequal treatment is rationally related to a legitimate penological interest." *Flynn v. Thatcher*, 819 F.3d 990, 991 (7th Cir. 2016). The decision to allow one detainee to leave his cell for a video visit—which could not happen from his cell during lockdown—is rationally related to legitimate management and security concerns. *See Mays*, 974 F.3d at 820–21.

Finally, we reject Lancour's challenge to the judge's screening order, to the extent that he even raises such a challenge. As a threshold matter, the defendants incorrectly contend that Lancour cannot appeal screening decisions; he can. *See, e.g.*, *Arnett*, 658 F.3d at 751. But as the judge rightly observed, Lancour's allegations were both unclear and legally insufficient. He did not allege that he asked any defendant for medical assistance, and the judge properly concluded that the "bare assertion" that another prisoner's blood was on his face and clothes did not "plausibly suggest that these defendants' failure to contact medical staff was objectively unreasonable."

AFFIRMED