

NONPRECEDENTIAL DISPOSITION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 July 24, 2025*

Decided July 24, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-3162

JOSHUA HOWARD,
Plaintiff-Appellant,

v.

ANTHONY MELL, et al.,
Defendants-Appellees.

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

No. 18-cv-1830-pp

Pamela Pepper,
Chief Judge.

ORDER

Joshua Howard, a Wisconsin prisoner, sued prison officials, asserting that they were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. The district court dismissed some defendants from the action and granted summary judgment in favor of the remaining defendants. Because neither the

* 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).

complaint nor the evidence at summary judgment suggest the defendants acted with deliberate indifference, we affirm.

While he was a prisoner at Waupun Correctional Institution in Waupun, Wisconsin, Howard took several medications each day to treat depression, anxiety, and insomnia. When it was time to get his medication, a guard would present Howard with a blister pack to confirm it contained the correct medicine and dose. This also gave Howard a chance to see how much medicine he had left in the pack. The guard would then dispense the medication or Howard could refuse to take it.

Howard asserts, however, that there were many problems with this system. He alleged that guards repeatedly failed to dispense his medications—sometimes because they did not order refills, but mostly because they erroneously believed the medicines had run out when stock was actually available. Howard alleged that these missed doses exacerbated his conditions, diminished his overall wellbeing, and caused headaches and nausea. He contends that, despite having submitted dozens of complaints, these errors persisted for years, causing thousands of missed doses between 2004 and 2017.

Howard sued a bevy of prison officials under 42 U.S.C. § 1983, alleging they had been deliberately indifferent to his medical needs by ignoring the problems with the dispensation of his medicines. These officials include Lori Alsum, a nursing coordinator for the state prison system's health service; Brian Foster and William Pollard, wardens at Waupun; Sarah Cooper and Michael Meisner, deputy wardens; Michael Thurmer, an official who reviewed some of Howard's complaints; and various security staff—Donald Strahota, Anthony Meli, Wayne Bauer, and Jeremy Westra. The details of the defendants' involvement vary, but at bottom Howard argued that all of them knew about the years-long problems with his medication delivery because they reviewed or were sent copies of his prison grievances. Indeed, some of the defendants affirmed some of his complaints or discussed steps being taken to address them. But, according to Howard, these officials also should have known that none of these steps were effective because he kept submitting complaints about missing doses. Howard maintained that to address these issues, the defendants needed to change the state policy so that medications were dispensed by nurses rather than guards or, at a minimum, better train and supervise guards with respect to distribution of medication.

The defendants moved to dismiss the complaint, and the district court granted the motion in part. First, the district court concluded that none of the defendants had the power to change the statewide policy of having prison guards dispense medications. (Howard does not challenge this reasoning on appeal, so we say nothing

more on this theory.) The court also determined that Alsum and Foster had taken reasonable steps to address the medication problems, so they could not have acted with deliberate indifference. With respect to Pollard, Cooper, and Meisner, the court reasoned that Howard had failed to allege they were personally involved in the problems with his medication, and his theory of supervisory liability did not state a claim under § 1983. Finally, the court concluded that the involvement of Bauer, Westra, and Thurmer was so minor that they could not have acted with deliberate indifference. The district court allowed claims only against Strahota and Meli to proceed. (The court also allowed Howard to proceed on Eighth Amendment claims for three other defendants, but he does not challenge the outcome of those claims.)

Strahota and Meli then moved for summary judgment, arguing that there was no genuine issue of material fact as to their lack of deliberate indifference. In support, they submitted affidavits in which they asserted that they were unaware of any longstanding problem with Howard's medications, but for specific incidents they could remember they took steps to address what they believed were isolated problems. They also attested that prisoners were responsible for requesting refills when their medication ran low, and that if a prisoner refused medication several times in a row it would be sent back to a central pharmacy and would no longer be available. Strahota and Meli submitted portions of the prison's inmate handbook outlining these policies and attested that Howard sometimes missed medication because he failed to comply with the policies. Further, they maintained they did not know that skipped doses would cause Howard medical distress.

In response, Howard submitted transcripts from a different case where a prison nurse testified that the responsibility for ordering medication refills was shared by both guards and prisoners. He also submitted copies of grievances, some affirmed by the defendants, complaining about guards failing to dispense medications because they erroneously believed medicines had run out. But these grievances also revealed that, at least some of the time, the medication was unavailable because Howard failed to order a refill, despite being reminded of his shared responsibility to monitor the stock of his medication. The grievances also showed that staff repeatedly told Howard to report issues with his medications directly to medical staff, but instead he regularly used the standard grievance process, thereby causing delays in resolving his complaints. Finally, the grievances revealed that Howard did not always alert prison staff to adverse health effects from missing doses, and he conceded in his brief that he sometimes had refused medication several times in a row.

The district court entered summary judgment for Strahota and Meli, concluding that they did not act with deliberate indifference. The court reasoned that there was no evidence suggesting that they knew Howard would suffer ill effects from missing his medications, so they lacked the required subjective awareness.

Howard now appeals the district court's order dismissing the bulk of the defendants, as well as its order granting summary judgment in favor of Strahota and Meli. We begin with the dismissal order, which we review *de novo*, construing Howard's *pro se* complaint liberally and accepting as true all its well-pleaded facts. *Balle v. Kennedy*, 73 F.4th 545, 557 (7th Cir. 2023).

Howard generally challenges the district court's reasoning, asserting that he pleaded sufficient facts to state a claim against Alsum, Waupun's wardens and deputy wardens, as well as the remaining security staff—Bauer, Westra, and Thurmer. None of these defendants were directly involved with dispensing his medications; Howard argues instead that they failed to properly oversee the guards who did. To state a claim under a theory of supervisory liability, Howard must allege facts suggesting that these defendants knew that withholding his medications would cause him serious medical harm and they ordered, facilitated, or turned a blind eye to the guards doing so. *See Ollison v. Gossett*, 136 F.4th 729, 735–36 (7th Cir. 2025).

Howard has not met this burden. His complaint does not allege facts suggesting that the dismissed defendants took affirmative steps to deprive him of his medications. Nor can we infer from the complaint that these defendants turned a blind eye to Howard's plight because the complaint does not allege that any of them knew he would suffer adverse health effects from missing doses of his medications. Howard argues that skipping prescribed medication is obviously facially dangerous, so the defendants did not need to be told this to be deliberately indifferent. But none of the Waupun defendants are medical professionals, and the medicines being prescribed by a doctor are not enough, on their own, to create an inference that Howard would suffer serious medical harm by missing doses. *Cf. Pulera v. Sarzant*, 966 F.3d 540, 552 (7th Cir. 2020) (applying the lower bar of objective reasonableness for claims by arrestees and pretrial detainees of inadequate medical care).

At a minimum, Howard asserts that Alsum should have known better because she *is* a medical professional. Even if true, Alsum's relevant function here was reviewing some of Howard's grievances. In that role, she may have been deliberately indifferent had she ignored or denied the grievances, failing to exercise her authority to intervene on Howard's behalf. *See Perez v. Fenoglio*, 792 F.3d 768, 781–82 (7th Cir. 2015);

Burks v. Raemisch, 555 F.3d 592, 595 (7th Cir. 2009). But in his complaint, Howard concedes that the opposite is true: Alsum affirmed some complaints and forwarded them to supervisory staff with recommendations. Because Alsum took reasonable steps to rectify the problems, she cannot have been deliberately indifferent. *See Hunter v. Mueske*, 73 F.4th 561, 566–67 (7th Cir. 2023). The same goes for Foster, Pollard, and Thurmer, who affirmed some of Howard’s complaints and suggested remedial steps, providing an additional reason why the complaint fails to state a claim against them.

Howard next challenges the district court’s order granting summary judgment to Strahota and Meli. We review this decision *de novo* and draw all reasonable inferences from the evidence in favor of Howard, the non-moving party. *Id.* at 564–65.

Howard argues the district court erred because there was sufficient evidence to infer that Strahota and Meli knew it was dangerous to skip doses of his medication. In support, he highlights that some of his grievances mentioned he suffered headaches, nausea, and other side effects from missing his medications. But Strahota and Meli received mixed signals. As discussed above, at least some of the time, Howard was to blame—either because he failed to timely request a refill or refused medication several days in a row. If Howard was sometimes voluntarily foregoing his medicine and did not always complain about medical problems from the skipped doses, Strahota and Meli could have reasonably questioned whether he truly suffered serious medical harm. Because these grievances presented a conflicting picture, it would be unreasonable to infer, on that basis alone, that Strahota and Meli were aware that Howard faced serious harm. *See Ollison*, 136 F.4th at 738. Accordingly, they could not have acted with deliberate indifference.

Howard also points to portions of the prison’s policies and communications related to his grievances, which stress that it is generally important for prisoners to receive their prescribed medications correctly. But not every unexpected interruption in administering medication poses serious danger. *See Pulera*, 966 F.3d at 552. There is no evidence that Strahota and Meli knew that skipping doses of Howard’s specific medications was dangerous, so they could not have been deliberately indifferent. *See Zentmyer v. Kendall Cnty.*, 220 F.3d 805, 811–12 (7th Cir. 2000).

Finally, Howard challenges a decision by the district court to disregard a chart he created summarizing how many times he had missed doses of medications. But the chart is irrelevant. While it could suggest that Howard indeed missed doses, it would say nothing about the defendants’ states of mind—the reason Howard’s claims fail.