

NONPRECEDENTIAL DISPOSITION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 August 12, 2025*

Decided August 14, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2828

MICHAEL K. GREGORY,
Plaintiff-Appellant,

v.

RICHARD CARSON and JERRY
SNYDER,
Defendants-Appellees.

Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division.

No. 2:22-cv-00408-MPB-MKK

Matthew P. Brookman,
Judge.

ORDER

Michael Gregory, an inmate in the secure housing unit at Wabash Valley Correctional Facility in Carlisle, Indiana, sued two prison employees. He alleged that a correctional officer sexually harassed him and applied overly tight handcuffs after he

* 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).

complained and a unit manager failed to protect him. The district court entered summary judgment for the defendants because Gregory did not present any evidence from which a reasonable jury could find that the defendants violated Gregory's constitutional rights. We affirm.

We recount the facts in the light most favorable to Gregory, the party opposing summary judgment. *Douglas v. Reeves*, 964 F.3d 643, 645 (7th Cir. 2020). In November 2020, Gregory was in the shower when Richard Carson, a correctional officer, offered to give him extra time if Gregory masturbated in front of Carson. Gregory declined. On the same day, Carson filed a conduct report against Gregory for interfering with count by refusing to get out of the shower.

A few days later, Gregory filed a complaint under the Prison Rape Elimination Act (PREA), 34 U.S.C. § 30301, about Carson's comment. After he filed the complaint, Gregory said Carson applied overly tight handcuffs on at least two unspecified dates while Carson escorted Gregory to the shower. According to Gregory, the handcuffs restricted his circulation and caused tingling and pain. Gregory testified that during these incidents, he asked Carson whether Carson was trying to hurt him and told Carson he had pre-existing nerve damage in his wrist. Gregory said Carson responded by "jerk[ing]" him and muttering "little stuff," but that Carson did not adjust the handcuffs. Gregory did not seek medical treatment after these incidents. Carson disputed that he intentionally placed Gregory in handcuffs to cause pain after learning of Gregory's PREA complaint.

Gregory sued Carson and Jerry Snyder, the unit team manager for Gregory's unit under 42 U.S.C. § 1983, alleging violations of his constitutional rights. Gregory alleged that Carson's comment about masturbation amounted to sexual harassment. He also asserted that Carson used excessive force when handcuffing him. Further, Gregory said that Carson retaliated against him for filing the PREA complaint by issuing the conduct report and applying overly tight handcuffs. Gregory also alleged that Snyder knew about Carson's conduct and failed to protect Gregory from it. Specifically, Gregory said that Snyder continued to assign Carson to duty shifts on Gregory's unit despite knowing that Carson was a danger to Gregory. And, Gregory said, Snyder conducted a "sham investigation" into Gregory's PREA complaint.

Gregory also moved for recruited counsel. But the district court denied the motion because Gregory failed to present any evidence that he first attempted to obtain counsel on his own.

The defendants then filed a motion for summary judgment, which the district court granted. The court determined that no reasonable jury could conclude that Carson's single sexually offensive comment amounted to an inhumane condition of confinement under the Eighth Amendment or sex discrimination under the Fourteenth Amendment. Further, the court reasoned that the evidence did not support a finding that Carson's use of handcuffs w[Author]as an excessive use of force under the Eighth Amendment. As for Gregory's claims under the First Amendment, the court concluded that Gregory had not presented evidence from which a jury could find that Carson retaliated against him for filing a PREA complaint. Carson issued the conduct report before Gregory filed the PREA complaint, and no evidence contradicted Carson's sworn statement that he did not intend to apply overly tight handcuffs after he learned about the PREA complaint. The court also held that Snyder was entitled to summary judgment on the failure-to-protect claim because Greogry presented no evidence that Snyder was personally involved in duty assignments or PREA investigations. Finally, the court granted the defendants' motion to strike Greogry's surreply because it did not comply with the local rules.

Gregory appeals. His brief is short on detail, but we discern two arguments, which we address in turn.

First, Gregory argues that the district court overlooked evidence that would allow a reasonable jury to find that Carson's use of overly tight handcuffs amounted to excessive force. The Eighth Amendment prohibits "unnecessary and wanton infliction of pain" on prisoners. *Hudson v. McMillian*, 503 U.S. 1, 5 (1992) (citation omitted). To determine whether a use of force violates the Eighth Amendment, we consider whether the "force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm." *Id.* at 7. In the context of an excessive-force claim involving overly tight handcuffs, the plaintiff must supply some evidence that he put the defendant on notice of the degree of pain or injury caused by the handcuffs. *Cf. Tibbs v. City of Chicago*, 469 F.3d 661, 665–66 (7th Cir. 2006) (discussing subjective knowledge requirement for excessive-force claim based on overly tight handcuffs under the Fourth Amendment); *Rooni v. Biser*, 742 F.3d 737, 742–43 (7th Cir. 2014) (same).

Gregory has not supplied any evidence from which a reasonable jury could conclude that Carson used excessive force. Gregory does not argue that the use of handcuffs was unnecessary or that the handcuffs were in place for more than a short period while Carson escorted Gregory to the shower. Moreover, Gregory admitted that he did not seek medical care following any of the incidents. Further, Gregory has not

produced evidence from which a jury could infer that Carson was on notice that the handcuffs were causing excessive or unnecessary pain. To be sure, Gregory said he asked Carson if Carson was trying to hurt him and told Carson that he had nerve damage in his wrist. But these general complaints would not have put Carson on notice that the handcuffs were causing excessive pain or injury. Considering the particular facts in this case, a reasonable jury could not conclude that Carson tightly handcuffed Gregory maliciously and sadistically for the purpose of causing harm.

Gregory next argues that the district court erred in denying his request for counsel and striking his surreply. But the district court did not abuse its discretion in denying Gregory's motion for recruited counsel, because Gregory did not demonstrate that he had attempted to obtain counsel on his own. *See Eagan v. Dempsey*, 987 F.3d 667, 682 (7th Cir. 2021). As for the surreply, the district court reasonably relied on its local rules to strike it. *See Hinterberger v. City of Indianapolis*, 966 F.3d 523, 528 (7th Cir. 2020) ("[D]istrict courts may require strict compliance with their local rules—a point we have recognized time and again."). The local rules would permit Gregory to file a surreply only if Carson and Snyder cited new evidence in their reply or objected to the admissibility of Gregory's evidence. *See* S.D. IND. LOC. R. 56-1. Because the defendants did neither, the district court acted within its discretion to strike Gregory's surreply.

Gregory has not sufficiently developed any other argument, so we do not address the district court's reasoning related to any other claim. *See* FED. R. APP. P. 28(a)(8); *Behning v. Johnson*, 56 F.4th 1137, 1140 (7th Cir. 2023) (citing *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001)). Accordingly, the district court's judgment is AFFIRMED.