

NONPRECEDENTIAL DISPOSITION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 November 7, 2025*

Decided November 7, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2956

AKHEEM S. SCOTT-MANNA, also
known as Ahkeem Scott-Manna,
Plaintiff-Appellant,

v.

ADAM CALLOWAY, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Indiana, South Bend Division.

No. 3:21-CV-299-JD-MGG

Jon E. DeGuilio,
Judge.

* 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).

ORDER

Ahkeem Scott-Manna,[†] an Indiana prisoner, sued three corrections officers under 42 U.S.C. § 1983. He alleged that Sergeant Adam McCray used excessive force in violation of the Eighth Amendment when he commanded his dog to attack Scott-Manna, and that Lieutenant Joshua Morgan and Officer Adam Calloway failed to intervene. The district court entered summary judgment for the defendants, concluding that the evidence—including a video of the incident—did not support an inference that McCray acted maliciously to inflict pain. We affirm.

We take the following factual account from the summary-judgment record, reviewing the evidence in the light most favorable to Scott-Manna. We draw reasonable inferences in his favor as the non-moving party, *Moore v. W. Ill. Corr. Ctr.*, 89 F.4th 582, 590 (7th Cir. 2023), except to the extent that his account is clearly contradicted by the video evidence in the record, *see Scott v. Harris*, 550 U.S. 372, 380 (2007).

While Scott-Manna was incarcerated at Miami Correctional Facility, his cellmate fell to the floor, struggling to breathe. (The defendants and the district court say the incident occurred at Westerville Correctional Facility, but that is incorrect.) Unable to get the guards' attention, Scott-Manna began throwing paper into the hallway and started a small fire in front of his second-floor cell. The guards then arrived at the cell to extinguish the fire and to take Scott-Manna's cellmate to the infirmary. Because Scott-Manna had started a fire, guards put him on "strip cell status," meaning they had to remove Scott-Manna's personal belongings from his cell and search his person.

The officers removed Scott-Manna from his cell to conduct the search and attempted to strip search him. In a hallway on the first floor near the cell, officers removed Scott-Manna's handcuffs and ordered him to remove his clothes. But once uncuffed, Scott-Manna ran back up the stairs to his cell and slammed the door shut. Four officers, including Morgan and Calloway, responded and ordered Scott-Manna to turn around so they could handcuff him again. McCray remained on the first floor at the bottom of the stairs with a dog. One of the officers shot Scott-Manna with a taser, but Scott-Manna pulled the electrodes out of his arm. The same officer then sprayed a chemical agent into the cell. At that point, Scott-Manna complied with orders to lie down on the floor, and the four officers opened his cell door. Morgan approached Scott-Manna, and Scott-Manna jumped to his feet and swung at Morgan. At the same

[†] Scott-Manna spelled his own name "Ahkeem" during his deposition, but he acknowledged that he often goes by "Akheem" in court documents.

time, McCray began ascending the stairs with the dog. One of the other officers again shot Scott-Manna with a taser, causing Scott-Manna to fall back to the floor. By this time, McCray and the dog were positioned at Scott-Manna's feet.

While Morgan tried to restrain Scott-Manna's hands, Scott-Manna again tried to stand up, and he moved forward toward Morgan. Although Scott-Manna testified that he was handcuffed at this time, the video shows that he was not fully restrained and was able to move his arms as he stood up. McCray then commanded the dog to attack Scott-Manna. The dog bit Scott-Manna's lower leg, causing Scott-Manna to lie still on the ground. The dog bit Scott-Manna's leg for about thirty seconds while Morgan finished handcuffing him. McCray then pulled the dog back. Scott-Manna says he experiences chronic pain and immobility from the dog bite.

Scott-Manna sued McCray, Morgan, and Calloway for damages under § 1983. He alleged that McCray used excessive force in violation of the Eighth Amendment and that Morgan and Calloway failed to intervene to stop the violation.

Scott-Manna asked the district court to recruit counsel for him four times, but the court denied each motion. In the first motion, Scott-Manna highlighted his inability to investigate his claims while incarcerated, his lack of legal expertise, and his mental-health issues. The court acknowledged these arguments and, without further analysis, concluded that Scott-Manna was competent to represent himself. In the second motion, Scott-Manna raised the same arguments, which the court rejected. In the third motion, Scott-Manna added that he had been transferred to a new prison and lost the help of another prisoner. The court denied the motion. In his last motion, Scott-Manna said his time on suicide watch, delays in his mail, and his lost property made it difficult for him to litigate his case. The court denied the motion, concluding that the video of the incident showed definitively that McCray did not use excessive force, so a lawyer would not help Scott-Manna.

The defendants then moved for summary judgment, and the district court granted the motion. Relying largely on the video of the incident, the district court concluded that no reasonable jury could find that McCray acted maliciously and sadistically. The court explained that when McCray released the dog, Scott-Manna was resisting Morgan and had stood up and moved toward Morgan despite having been shot with a taser. Moreover, moments earlier, Scott-Manna had fled from guards, had not complied with orders after being sprayed with a chemical agent and shot with a taser, and had swung at Morgan after feigning compliance. Thus, McCray's use of force was not excessive considering the danger Scott-Manna posed. Because McCray had not

used excessive force, the district court concluded, Morgan and Calloway were not liable for failing to intervene.

Scott-Manna appeals. We review the district court's grant of summary judgment de novo. *Quinn v. Wexford Health Sources, Inc.*, 8 F.4th 557, 565 (7th Cir. 2021).

The Eighth Amendment prohibits the "unnecessary and wanton infliction of pain." *Whitley v. Albers*, 475 U.S. 312, 319 (1986) (quoting *Ingraham v. Wright*, 430 U.S. 651, 670 (1977)). When faced with a prison disturbance, whether a measure taken meets this definition "turns on 'whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm.'" *Hudson v. McMillian*, 503 U.S. 1, 6 (1992) (quoting *Whitley*, 475 U.S. at 320–21). Several factors guide this inquiry, including: (1) the need for the force, (2) the relationship between that need and the amount of force used, (3) the extent of any injury, (4) the threat reasonably perceived, and (5) efforts to temper the force's severity. *Id.* at 7; see also *Smith v. Kind*, 140 F.4th 359, 366 (7th Cir. 2025).

Scott-Manna generally challenges the summary judgment on appeal. But we agree with the district court that no reasonable jury could find that McCray used force for the purpose of causing harm. Scott-Manna admitted in his deposition that he had continued to resist the officers after they had shot him with a taser and deployed a chemical agent. As the video shows, the situation evolved rapidly in the seconds that followed: Within fifteen seconds, Scott-Manna attempted to hit Morgan, was shot with a taser a second time, rose to his feet when Morgan was not able to fully restrain him, and moved toward Morgan. It was not until Scott-Manna swung at Morgan that McCray positioned himself near Scott-Manna, and McCray did not command the dog to attack until after Scott-Manna had gotten to his feet and reengaged with Morgan. Further, McCray did not allow the dog to bite Scott-Manna for an excessive period. The video shows that McCray pulled the dog back as soon as Morgan secured Scott-Manna's hands. To be sure, Scott-Manna suffered lasting injury from the dog bite. But a reasonable jury could not infer from these facts that McCray acted maliciously to cause harm rather than in a good faith effort to restore order.

Because McCray did not use excessive force, we agree with the district court that summary judgment for Morgan and Calloway was appropriate. Without an underlying constitutional violation, Morgan and Calloway are not liable for failing to intervene. *Rosado v. Gonzalez*, 832 F.3d 714, 718 (7th Cir. 2016).

Scott-Manna next argues that the district court erred in denying his requests for counsel, but we disagree. True, the district court's analysis did not engage meaningfully with Scott-Manna's reasons for requesting counsel, including his mental-health challenges and lack of resources. *See Pruitt v. Mote*, 503 F.3d 647, 658–59 (7th Cir. 2007) (en banc); *James v. Eli*, 889 F.3d 320, 327–28, 330 (7th Cir. 2018). But a district court has broad discretion to decide requests for counsel, and as the court discussed in its order denying Scott-Manna's final request for counsel, even an attorney could not overcome the video evidence in this case. *See McCaa v. Hamilton*, 959 F.3d 842, 845 (7th Cir. 2020) ("Nothing in *Pruitt* or our other cases on recruiting counsel prohibits a judge from using available information and the judge's experience to assess the importance and potential merits of the case and to assign priority accordingly.").

We have considered Scott-Manna's remaining arguments, which are not well-developed in his brief, and none merits discussion.

We therefore AFFIRM the district court's judgment and DENY Scott-Manna's pending motions as unnecessary.