

NONPRECEDENTIAL DISPOSITION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 January 13, 2026*

Decided January 15, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-2670

WALTER SMITH,
Plaintiff-Appellant,

v.

JEFFREY PUGH, et al.,
Defendants-Appellees.

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

No. 3:19-cv-00947-wmc

William M. Conley,
Judge.

ORDER

Walter Smith, a federal prisoner formerly housed at Stanley Correctional Institution in Stanley, Wisconsin, sued several prison officials. According to Smith, the temperature of the meal bags provided to accommodate his Ramadan fasts aggravated his symptoms of irritable bowel syndrome. He argued that the prison's refusal to

* 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).

provide hot meal bags burdened his right to freely exercise his religion by pressuring him to break his fast. He also contended that the refusal demonstrated deliberate indifference to his medical condition. The district court granted the defendants' motion for summary judgment, concluding that Smith's religious exercise was not substantially burdened by the unheated meal bags and that the defendants were not deliberately indifferent to his health. We affirm.

Background

Smith is a practicing Muslim who observes a sunrise-to-sunset fast during the Islamic holy month of Ramadan, consuming one meal before sunrise and one after sunset. To accommodate those who observe Ramadan, prison staff prepare meal bags before the kitchen closes at 6 p.m. These bags are refrigerated until the prisoner is ready to eat, but the prison does not allow the prisoner to warm the meals once served. The contents of the meal bags are consistent with existing medical accommodations approved by the prison's health services unit.

Smith has irritable bowel syndrome (IBS), a condition with symptoms such as abdominal pain, cramping, bloating, gas, diarrhea, or constipation. Triggers vary widely and may include certain foods, stress, medications, or hormonal changes. Because symptoms are highly individualized and no single diet benefits all patients, the prison does not maintain a specific IBS diet and instead instructs prisoners to track personal food triggers.

Since his arrival at Stanley in 2012, Smith alleged that he experienced severe IBS symptoms during Ramadan and for six to seven months afterwards. Smith attributed his symptoms to the temperature of the meal bags and repeatedly requested hot meals or a way to warm the meal bags. But the prison did not accommodate Smith's request because his physicians did not believe that the temperature of the meal bags caused Smith's IBS symptoms. Instead, they attributed his symptoms to the fast itself, including reduced water intake during fasting hours and the significant changes in his eating patterns—such as consuming large, late-night meals and eating foods that differed from his usual diet.

Medical staff nevertheless evaluated Smith and treated his IBS symptoms, recommending or providing stool softeners, magnesium, fiber supplements, and increased fluid intake; conducting blood work; and referring him for a colonoscopy to rule out inflammatory bowel disease. Staff also advised him to consult the chaplain about religious guidance regarding fasting.

In 2019, the prison reversed course and allowed him to warm the meal bags. The parties dispute what followed: Smith claims he experienced no further IBS symptoms, but the defendants submitted medical records showing that he complained of IBS symptoms during Ramadan even after the prison permitted him to warm his meal bags.

In November 2019, Smith filed this action seeking both monetary and injunctive relief. He argued that the defendants substantially burdened his religious exercise by forcing him to choose between observing Ramadan and consuming unheated meal bags that aggravated his IBS symptoms, in violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc to 2000cc-5, and the First Amendment. He further contended that the defendants were deliberately indifferent to his medical needs, in violation of the Eighth Amendment, by refusing to allow him to warm his meal bags during Ramadan.

During discovery, Smith disclosed the names of two proposed experts from a prior case whose reports he possessed, *see* FED. R. CIV. P. 26(a)(2), explaining that he had not yet retained them but reserved the right to do so as the case progressed. Shortly thereafter, Smith moved for recruitment of counsel, stating that his prior attempts to obtain representation had been unsuccessful and that he needed counsel to retain an expert to support his claims. The district court denied the motion, concluding that it was not yet apparent whether expert testimony would be necessary, that Smith had not explained why he could not contact potential witnesses on his own, and that he had demonstrated himself to be “an adept and conscientious litigator.” The court nonetheless denied his motion without prejudice, leaving Smith free to renew it if the case proceeded to trial or if, after reviewing the parties’ summary judgment submissions, the court *sua sponte* decided to recruit counsel.

The defendants moved for summary judgment. Smith received several extensions to respond and ultimately requested a deadline of January 4, 2024. In granting Smith’s request, the court ordered that “[t]he court will consider plaintiff’s response materials if received by January 9, 2024.” But he did not deposit his response with prison authorities until January 8. The court issued its summary judgment order on January 24—the same day Smith’s materials finally reached the court. The court deemed the defendants’ proposed findings of fact undisputed and granted their motion. Because Smith offered no evidence showing the temperature of his meal bags caused his IBS symptoms, the court explained that he failed to show that the prison’s use of unheated meal bags substantially burdened his religious practice. The court also concluded the prison officials’ actions did not constitute deliberate indifference to

Smith's medical needs because Smith could not show a failure to adequately treat his health complaints.

Smith then moved under Rule 59 of the Federal Rules of Civil Procedure to vacate the judgment, asserting that he handed his materials to prison staff on January 8 and that mailing delays—including those affecting a letter intended to alert the court—caused their late arrival. He argued that his filings were timely under the prison-mailbox rule. The court rejected that argument, noting that it needed to receive the materials by January 9, which did not occur. The court further noted that, even if it were to consider Smith's untimely submissions, they nonetheless failed to present admissible medical evidence demonstrating a causal link between the unheated meal bags and his IBS symptoms, or that his physicians failed to provide adequate treatment for his health complaints. Although Smith had attached two proposed expert reports that might establish a material question of fact, the court declined to consider them because he had never properly disclosed the proposed experts. *See generally* FED. R. CIV. P. 26(a)(2).

Analysis

On appeal, we first address Smith's contention that the district court abused its discretion by denying his motion to recruit counsel. Smith argues that counsel was necessary to secure expert testimony, which, in turn, was necessary to avoid summary judgment by rebutting the prison doctors' opinions. But our review is limited to the record as it existed when the motion was denied. *Pruitt v. Mote*, 503 F.3d 647, 659 (7th Cir. 2007) (en banc). At that stage, the district court properly evaluated Smith's competence to litigate the case considering its complexity, concluding that he was "adept and conscientious," that it was unclear at that juncture whether expert testimony was necessary to support his claims, and that Smith had identified no difficulty in contacting potential witnesses. *See id.* at 654. On this record, we find no abuse of discretion.

Smith next challenges the district court's grant of summary judgment, which we review de novo, drawing all reasonable inferences in his favor. *See Thompson v. Holm*, 809 F.3d 376, 378 (7th Cir. 2016). We may affirm summary judgment on any ground supported by the record, so long as the movant adequately presented the issue in the district court and the non-movant had an opportunity to contest it. *Levy v. Marion Cnty. Sheriff*, 940 F.3d 1002, 1009 (7th Cir. 2019).

Smith first contends that the district court erred by deeming the defendants' proposed facts undisputed. He asserts that his response materials were timely under the prison-mailbox rule, which treats certain documents submitted by prisoners as filed when delivered to prison officials, not when received by the court. *See Houston v. Lack*, 487 U.S. 266, 275–76 (1988). The court stated that it would consider Smith's materials "if received by January 9, 2024." Smith submitted his materials to prison staff on January 8, before the January 9 deadline—a fact the defendants do not dispute—but they were not received by the court until after the deadline passed.

Houston explained that prisoners have "no control over delays between the prison authorities' receipt ... and the [document's] filing," and thus a notice of appeal was timely filed upon delivery to prison authorities. 487 U.S. at 273–74. This rationale has been extended, both by rule and case law, to several other contexts. *See* FED. R. APP. P. 26(a)(4)(C); *Censke v. United States*, 947 F.3d 488, 490–93 (7th Cir. 2020) (collecting authorities). That said, in *Fex v. Michigan*, 507 U.S. 43, 49–50 (1993), the Supreme Court also recognized that the prison-mailbox rule must, at least sometimes, yield to clear directive language. And district courts have inherent authority to manage their dockets, *Williams v. DeJoy*, 88 F.4th 695, 702 (7th Cir. 2023), which includes the authority to set and enforce specific deadlines. We have read *Fex* narrowly, *see Censke*, 947 F.3d at 491, but have not had occasion to decide whether the prison-mailbox rule applies when a district court orders papers from a prisoner to be "received" by a date certain. We need not resolve that question here, however, because the district court explained that even if it considered Smith's tardy materials, summary judgment remained appropriate. Nevertheless, we caution district judges against setting receipt-based deadlines for prisoners, given the potential for delays outside a prisoner's control, as explained in *Houston* and discussed above. Accordingly, we consider Smith's response materials.

Before reaching the merits, however, we must first determine which of Smith's response materials we may consider. The district court declined to consider two proposed expert reports that Smith attached to his response to the defendants' motion for summary judgment, concluding that Smith failed to timely disclose the proposed experts. *See* FED. R. CIV. P. 26. Smith contends that this ruling was an abuse of discretion because the court failed to consider whether his nondisclosure was justified or harmless. Smith observes the identity of the two proposed experts had been disclosed to the defendants in 2019 in a separate case and, in his Rule 26 initial disclosures, he informed the defendants that he possessed their reports but had not yet been able to retain them for this case.

While the typical remedy for a violation of Rule 26 is exclusion of the evidence, a nondisclosure may be forgiven if the failure to disclose was justified or harmless. FED. R. CIV. P. 37(c)(1); *id.* advisory committee’s note to 1993 amendment (identifying as harmless “the inadvertent omission from a Rule 26(a)(1)(A) disclosure of the name of a potential witness known to all parties”). The district court did not expressly address those considerations, but we need not decide whether that omission constituted an abuse of discretion. Even assuming the district court erred in excluding the proposed expert reports, we have reviewed them and, as shown below, viewing the evidence in the light most favorable to Smith, conclude that they do not create a genuine dispute of material fact.

Having fully considered all of Smith’s response materials, we turn to the merits. Smith first argues that the defendants burdened his religious exercise by forcing him to choose between suffering IBS symptoms and observing Ramadan.[†] The Act prohibits prison officials from “impos[ing] a substantial burden on the religious exercise” of a prisoner “unless the government demonstrates that imposition of the burden on that person ... is the least restrictive means of furthering [a] compelling governmental interest.” *West v. Radtke*, 48 F.4th 836, 844 (7th Cir. 2022) (quoting 42 U.S.C. § 2000cc-1(a)).

Smith argues that the prison’s refusal to provide hot meals or a way to warm his meal bags while he fasted caused him to suffer IBS symptoms, which imposed a substantial burden on his observance of Ramadan. A prison imposes a substantial burden on religious exercise when it “attaches some meaningful negative consequence to [a prisoner’s] religious exercise, forcing him to choose between violating his religion and incurring that negative consequence.” *West*, 48 F.4th at 845 (synthesizing *Holt v. Hobbs*, 574 U.S. 352 (2015) and *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014)). Smith compares his circumstances to those in *Thompson v. Holm*, 809 F.3d 376 (7th Cir. 2016), where the prison intentionally refused a meal bag for a prisoner observing Ramadan, and *Jones v. Carter*, 915 F.3d 1147 (7th Cir. 2019), where the prison refused to provide halal meat required by the prisoner’s religion. In both cases, the court held that summary judgment was inappropriate because a reasonable jury could find that the

[†] We address Smith’s statutory and constitutional claims together because the Act provides broader protection than the First Amendment; consequently, if his statutory claim fails, his constitutional claim must fail as well. See *Holt v. Hobbs*, 574 U.S. 352, 357–58 (2015); *Soc’y of Divine Word v. U.S. Citizenship & Imig. Servs.*, 129 F.4th 437, 452 (7th Cir. 2025).

prison had substantially burdened the prisoner's free exercise of religion. *See Thompson*, 809 F.3d at 380–81; *Jones*, 915 F.3d at 1152.

Though the defendants here provided Smith food, Smith attests that his IBS symptoms coincided with Ramadan fasting. And he contends that after the prison allowed him to warm his meal bags starting in 2019, his symptoms disappeared, suggesting that the meal bags' temperature caused his symptoms. He also relies on the reports of the two proposed experts. One, a nutritionist, opined that preventing Smith from warming his meals could violate prison food-safety policies. The other, a gastroenterologist, stated that the cold temperature of the meals "may trigger" or exacerbate Smith's IBS symptoms.

While we do not doubt that suffering severe gastrointestinal problems for six to seven months could constitute a hardship, the record lacks evidence that the temperature of the meals caused these health problems. As an initial matter, Smith's medical records undermine his argument: even after he was permitted to warm his meal bags, Smith continued to report IBS symptoms during and after his fasts. Moreover, Smith, who lacks specialized medical or scientific knowledge, cannot rely solely on his own assertions. While his testimony may suggest a correlation between meal temperature and the onset of his symptoms, lay testimony alone cannot establish causation of a medical condition. *Pearson v. Ramos*, 237 F.3d 881, 886 (7th Cir. 2001) ("Wholly lacking in medical knowledge as he was, the plaintiff was incompetent to testify on the causal relation if any between exercise and healthy gums.").

The proposed expert reports likewise fail to create a genuine dispute of material fact from which a reasonable jury could conclude that the temperature of the meal bags caused Smith's IBS symptoms—a necessary element to show a "meaningful negative consequence" under the Act. *West*, 48 F.4th at 845. The nutritionist's opinion does not opine a causal relationship existed between meal temperature and Smith's symptoms; instead, it addresses only the possibility that the meals may have violated prison food-safety policies, which is unrelated to Smith's religious-exercise claims. The gastroenterologist's conclusions, while more directly related, are tentative and speculative, stating only that cold meals *may* trigger or exacerbate Smith's IBS symptoms. Such speculative opinions cannot undermine the medical judgment of Smith's treating physicians or create a triable issue of fact. *See Myers v. Illinois Cent. R. Co.*, 629 F.3d 639, 642–45 (7th Cir. 2010) (affirming summary judgment when expert testimony did not establish medical causation to a reasonable degree of certainty in a case involving multiple potential causes of injury)).

Smith's Eighth Amendment claim fails for similar reasons. To prevail, he must show that the defendants were deliberately indifferent to his objectively serious medical condition. See *Farmer v. Brennan*, 511 U.S. 825, 837 (1994); *Lockett v. Bonson*, 937 F.3d 1016, 1022 (7th Cir. 2019). The seriousness of Smith's IBS is not in dispute, so the only question is whether the defendants knew of and disregarded a substantial risk of harm. Because Smith challenges the adequacy of the treatment he received, we analyze the claim "as a deliberate decision by a doctor to treat a medical need in a particular manner." *Lockett*, 937 F.3d at 1023 (quoting *Snipes v. DeTella*, 95 F.3d 586, 591 (7th Cir. 1996)). And we defer to that decision unless "no minimally competent professional" would have responded the same way. *Pyles v. Fahim*, 771 F.3d 403, 409 (7th Cir. 2014) (citation and internal quotation mark omitted).

No reasonable jury could find the medical staff's decisions objectively unreasonable. Medical staff consistently evaluated and treated Smith, considering multiple medications and interventions. And the physicians concluded, based on their professional judgment, that the temperature of the meal bags did not cause Smith's IBS symptoms. For the same reasons as above, Smith's proposed experts cannot dispute these conclusions. In any event, his reported symptoms continued even after he was allowed to warm his meals, further supporting the physicians' opinions.

AFFIRMED