

NONPRECEDENTIAL DISPOSITION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 February 2, 2026*
Decided February 2, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1432

JESSIE HATCHER,
Plaintiff-Appellant,

v.

JOHN JONES, et al.,
Defendants-Appellees.

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

No. 1:22-cv-01944-TWP-KMB

Tanya Walton Pratt,
Judge.

O R D E R

Jessie Hatcher, an Indiana prisoner, sued one of his prison's doctors, John Jones; a nurse practitioner, Jodean Ayres; and an administrative assistant, Lynette King, alleging that they were deliberately indifferent to his serious medical needs related to a

* 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).

surgical wound, in violation of the Eighth Amendment. *See 42 U.S.C. § 1983.* He also sued their employer, Centurion Health of Indiana, LLC, alleging that it maintained an unconstitutional policy of refusing to follow specialists' recommendations. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978). The district court entered summary judgment for all defendants. We affirm.

We recount the facts in the light most favorable to Hatcher and draw all reasonable inferences in his favor. *See Riley v. Waterman*, 126 F.4th 1287, 1295 (7th Cir. 2025). While incarcerated at the Correctional Industrial Facility in Pendleton, Indiana, Hatcher developed a benign cyst on the right side of his neck. Prison medical staff referred Hatcher to an outside facility for an exam. There, an otolaryngologist (a physician specializing in the ears, nose, and throat) examined Hatcher and recommended minor surgery to remove the cyst. After the specialist explained the risks (including the possibility of infection or scarring), Hatcher elected to undergo an off-site surgery. The surgery, completed on February 22, 2022, was a success. In a postoperative report to Centurion providers, the specialist suggested treating Hatcher's surgical wound with antibiotic ointment for one week, Ibuprofen and Tylenol for pain relief, and removing the sutures the following week. Separately, the specialist instructed Hatcher to clean the wound with half-strength hydrogen peroxide as needed.

Hatcher then returned to the care of the prison's medical staff. An on-site physician, Dr. Jones, reviewed and signed the specialist's postoperative report. But during the week after Hatcher's surgery, medical staff did not provide medication, antibiotic ointment, or additional supplies to clean the wound. During that same time, however, Hatcher did not report any pain, request treatment, or indicate any challenges obtaining items from the commissary. Eight days after his operation, Hatcher went to the clinic to have the sutures removed and complained of drainage from his wound. Observing that the wound had become infected, Nurse Ayres left the sutures in place and gave him an oral antibiotic. The following day, Dr. Jones prescribed a stronger oral antibiotic and pain medication. At a subsequent visit, Hatcher requested antibiotic ointment, but a nurse denied the request, citing concerns that it could cause skin to heal over the sutures. A few weeks later, on April 1, staff removed the sutures and reported no signs of continuing infection. Throughout this time, Ms. King completed administrative tasks related to Hatcher's care.

From April until July 2022, Hatcher reported continued irritation at the site of the wound, which by this point had become a scar. At later appointments, providers monitored healing, scarring, and swelling, and did not observe any signs of further

infection. To address the irritation, they provided him with Tylenol. Eventually the providers ordered an ultrasound, revealing only mild lymph node enlargement in his neck.

Hatcher sued Dr. Jones, Nurse Ayres, Ms. King, and Centurion. Hatcher alleged that the individual defendants violated his rights under the Eighth Amendment by acting with deliberate indifference toward the postoperative care of his surgical wound. *See 42 U.S.C. § 1983.* He asserted that they disregarded a substantial risk of harm by ignoring the specialist's suggestions for treatment—that he keep his wound clean with hydrogen peroxide and antibiotic ointment—and failing to provide him with fresh bandages, pain medication, and other items for postoperative care. Hatcher also alleged that Centurion instituted a policy of refusing to follow specialists' recommendations as a cost-cutting measure, in violation of his rights under the Eighth Amendment.

See Monell, 436 U.S. at 690.

Eventually, the district court entered summary judgment for the defendants. As relevant to this appeal, the court determined that no reasonable jury could conclude that Dr. Jones or Nurse Ayres violated Hatcher's rights because undisputed evidence showed that their decisions to deviate from the specialist's suggested treatment were based on medical judgment. Moreover, the district court found that Hatcher introduced no evidence that the providers were responsible for assisting him after surgery. To the contrary, the specialist's recommendation assigned responsibility for wound cleaning to Hatcher, and the record showed that soap, bandages, and Tylenol were available from the commissary, allowing Hatcher to manage his recovery independently. As to Ms. King, the administrative assistant, the court determined that there was no evidence from which a reasonable jury could conclude that she had a direct role in Hatcher's treatment or failed to order necessary post-surgical items. Further, as there was no underlying constitutional violation, the court concluded that Centurion was entitled to summary judgment on Hatcher's *Monell* claim as well.

On appeal, Hatcher generally challenges the district court's entry of summary judgment for the individual defendants. He asserts that his providers' deviation from the specialist's suggestions, and their failure to provide him with certain items for wound care and pain management, was sufficient evidence from which a trier of fact could infer that medical staff knew of and disregarded a substantial risk to his health. We disagree.

When a prisoner believes he has received inadequate medical care in violation of the Eighth Amendment, he must establish “acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.” *Estelle v. Gamble*, 429 U.S. 97, 105–06 (1976); *see also Farmer v. Brennan*, 511 U.S. 825, 837 (1994). To meet this standard, a prisoner must make two showings. First, he must demonstrate that he “suffered from an objectively serious medical condition.” *Petties v. Carter*, 836 F.3d 722, 728 (7th Cir. 2016) (citing *Farmer*, 511 U.S. at 834). Second, he must show that the “individual defendant was deliberately indifferent to that condition.” *Id.* (citing *Farmer*, 511 U.S. at 834).

Against that legal backdrop, the record does not support Hatcher’s claim that either of his providers’ treatment decisions amounted to deliberate indifference. As the district court recognized, a defendant’s refusal to take instructions from a specialist may, in some circumstances, support a finding of deliberate indifference. *See Petties*, 836 F.3d at 728. But providers have discretion to diverge from such instructions when relying upon their professional judgment and when doing so is consistent with accepted professional standards. *See Holloway v. Delaware Cnty. Sheriff*, 700 F.3d 1063, 1074 (7th Cir. 2012). Hatcher has not provided any evidence from which a reasonable jury could find that the actions of Dr. Jones and Nurse Ayres substantially departed from professional standards, even if they conflicted with the outside specialist’s recommendation. Nor does Hatcher dispute that Dr. Jones and Nurse Ayres withheld antibiotic ointment based on their professional belief that oral antibiotics were preferable because an ointment might cause the skin to heal over the sutures. Hatcher’s argument that deliberate indifference can be inferred from Dr. Jones’s and Nurse Ayres’s failure to ensure that he had Tylenol after his surgery fares no better. As a “keep-on-person” medication at his prison, Hatcher could have purchased his own Tylenol during the week after his surgery. *See Poole v. Isaacs*, 703 F.3d 1024, 1026–27 (7th Cir. 2012). And once he reported his pain to medical staff at the end of that week, his providers prescribed pain medication and saw him for numerous follow-up appointments to monitor his infection and healing.

We also agree with the district court that no reasonable jury could find deliberate indifference based on the defendants’ failure to provide Hatcher with hydrogen peroxide, soap, or fresh bandages for cleaning his wound. In an answer to an interrogatory, Dr. Jones explained that he did not give Hatcher hydrogen peroxide out of concern that it could slow healing. And Hatcher presented no evidence that medical staff were responsible for changing his bandage or cleaning the wound, that he requested those items before his appointment on March 2, 2022, or that any items he

needed were unavailable at the commissary. Medical records show that the specialist instructed Hatcher himself to keep the wound clean. And in any event, the Eighth Amendment does not require prisons to provide free medical services to prisoners who are able to contribute to the cost of their care. *See Poole*, 703 F.3d at 1026–27. Records of Hatcher’s trust account balance indicate that he had funds available to purchase any items he needed from the commissary.

Finally, as to his *Monell* claim against Centurion, Hatcher argues that the district court erred when it concluded that he failed to identify a particular policy or practice of refusing to follow specialists’ recommendations or treatment plans. But a *Monell* claim requires that the plaintiff first demonstrate an underlying constitutional violation. *See Johnson v. Prentice*, 29 F.4th 895, 905 (7th Cir. 2022). Because Hatcher did not do so, the district court needed not reach the pattern-or-practice issue.

We have considered Hatcher’s other arguments, and none requires discussion.

AFFIRMED