NONPRECEDENTIAL DISPOSITION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 24, 2026*
Decided February 24, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-3158

ROBERT HALL,
Plaintiff-Appellant,

v.

AMY WYKES, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Central District of Illinois.

No. 23-cv-1120

James E. Shadid,
Judge.

O R D E R

Robert Hall, an Illinois prisoner, appeals the summary judgment rejecting his claims that prison officials acted with deliberate indifference toward unsanitary conditions in his prison cells and retaliated against him for complaining about the conditions. *See* 42 U.S.C. § 1983. The district court concluded that no reasonable jury could find that the cells' conditions posed a serious risk to Hall's health or that Hall was retaliated against for complaining about them. We affirm.

* 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).

I.

We construe the facts and draw all reasonable inferences in favor of Hall, the nonmovant. *Balle v. Kennedy*, 73 F.4th 545, 553 (7th Cir. 2023). From August 2020 to May 2022, Hall was incarcerated at Pontiac Correctional Center in Pontiac, Illinois—in a succession of cells having broken toilets and sinks, mold, worm-like insects, leaky ceilings, fire hazards, and no hot water. Hall complained orally and in writing about the cells' conditions—he does not say when—to grievance specialist Amy Wykes and lieutenants John Krasnican and Reginald Brewer.

Hall filed his first grievance about his cells' conditions in February 2021, complaining that his cell had no hot water during the winter. Wykes soon responded that staff had fixed the water temperature. A month later, Hall was moved to cell B-208, which he described as one "where everything was in working order." He did not stay long.

Four months later, Brewer transferred Hall to cell B-209, telling him, "[Y]ou got on my coworker's bad side … [B-208] is too nice for you." Hall described B-209 as "by far the worst cell I've ever been in." The toilet was broken, causing raw sewage to flood his cell. He was forced to create a makeshift seal on the toilet, but the cell still flooded. He alleged that the flooding caused him headaches, nausea, vomiting, and skin irritation, and that it worsened his asthma.

In February 2022, Hall filed two grievances about the conditions. The first grievance—more general in nature—concerned the unsanitary conditions in his prison cells, past and present. The second complained of the distance to the prison's medical services and the absence of an on-call nurse in the housing unit. In July, Wykes responded, stating that she could not investigate the grievances because Hall had since been transferred to Sheridan Correctional Center in Sheridan, Illinois (he moved there in May 2022), and he did not identify the staff members he was complaining about.

In April 2022, Hall reported to a nurse that he had "not felt right" after relocating to a new cell because "it affected my breathing and makes me dizzy." The note says that Hall reported the same discomfort twice in one month and had abnormal vital signs. The nurse prescribed him over-the-counter pain medication and told him to come back if his symptoms worsened.

In March 2023, Hall brought this § 1983 suit against Wykes, Brewer, Krasnican, and Warden John Burle for deliberate indifference to unconstitutional conditions of confinement. Hall also alleged that Brewer retaliated against him for his complaints by transferring him to an unsanitary cell in violation of his rights under the First Amendment.

The district court granted the defendants' motion for summary judgment. To begin, the court deemed admitted the defendants' statement of material facts because Hall's response to the motion failed to comply with Central District of Illinois Local Rule 7.1(D) governing summary judgment motions. Based on the facts before it, the court proceeded to conclude that no reasonable jury could find that Hall suffered any injury from the allegedly unsanitary conditions or that the defendants were subjectively aware of a substantial risk to Hall's health. And Hall's retaliation claim failed, the court added, because the evidence showed that Brewer's alleged retaliatory conduct—in moving him to cell B-209, the "worst cell"—did not deter Hall from later filing a grievance and thereby exercise his rights under the First Amendment.

Hall appealed.

II.

To establish a violation of the Eighth Amendment, a prisoner must satisfy two requirements—first, he must demonstrate that the deprivation was "objectively, sufficiently serious," and second, he must demonstrate that the prison official had a "sufficiently culpable state of mind." *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (cleaned up). In cases challenging conditions of confinement, that state of mind must be at least "deliberate indifference" to the prisoner's "health or safety." *Id.* (cleaned up). Deliberate indifference requires proof that the prison official subjectively knew of the substantial risk of harm to a prisoner and consciously disregarded it. *Id.* at 837.

Hall first challenges the district court's determination that no reasonable jury could conclude that the defendants were aware of a serious risk of harm to his health and safety. (He does not contest the court's ruling that there was no evidence from which a reasonable jury could find that Warden Burle was aware of or involved in the alleged constitutional violations.) He argues that the court disregarded his oral and written communications that should have alerted Wykes, Brewer, and Krasnican to his cells' unsanitary conditions. But Hall did not present evidence from which a reasonable juror could find that these communications apprised the defendants of any serious

health risk he faced. Hall may have testified that he spoke and wrote to the defendants about the conditions of the cells, but, significantly, he could not remember when or what he communicated to them.

Hall also contends that the court overlooked his written grievances, which, he argues, prove that Wykes, Brewer, and Krasnican were aware of the unsanitary conditions in his cells. But he points to no evidence suggesting that the two lieutenants, Brewer and Krasnican, knew of the grievances. As for the grievance counselor, Wykes, she was not informed of any risk to Hall's health because his grievances did not mention any medical issues he faced as a result of unsanitary conditions. But even if the grievances did alert Wykes to a possible Eighth Amendment violation, there was no evidence that she had any responsibility for the conditions or the authority to rectify them (e.g., by moving a prisoner to a new cell based on complaints about unsanitary conditions). *See Adams v. Reagle*, 91 F.4th 880, 894–95 (7th Cir. 2024).

Alternatively, Hall contends that the health risk from the unsanitary conditions was so obvious that Wykes, Brewer, and Krasnican must have been aware of them. True, if the health risk is obvious, a jail official's knowledge of a substantial risk of harm may be inferred. *Farmer*, 511 U.S. at 843 n.8. But the obviousness of the risk "is not conclusive," and a jail official may demonstrate that "the obvious escaped him." *Id*. Here, Hall has not provided evidence from which a rational jury could find that the defendants had "actual knowledge of the risk." *Id.* at 842–43. As has been mentioned, Hall could not recall the timing or substance of his communications with the defendants, and his grievances did not mention any health consequences that stemmed from unsanitary conditions. And regarding Hall's medical records, there is no evidence that Wykes, Brewer, or Krasnican knew of his April 2022 medical appointment, at which he complained that the prison conditions affected his breathing.

Because Hall failed to introduce evidence of deliberate indifference sufficient to create a dispute of material fact, we need not reach Hall's arguments that he could show harm from the unsanitary cell conditions or a substantial threat to his future health and safety.

Turning next to the retaliation claim, Hall argues that district court misapplied the prima facie test for retaliation under the First Amendment. Under that test, Hall had to show that (1) he engaged in protected activity; (2) he suffered a deprivation likely to deter future protected activity; and (3) his protected activity was a motivating factor in the defendant's decision to retaliate. *Adams*, 91 F.4th at 887. He focuses on the second

element—requiring that he show he suffered a deprivation likely to deter First Amendment activity in the future—and challenges the court's determination that he failed to meet this element based on his ability to submit a grievance after Brewer allegedly retaliated against him.

But even if we assume that a plaintiff's persistence in filing post-retaliation grievances is not fatal to his claim, *see Douglas v. Reeves*, 964 F.3d 643, 646 (7th Cir. 2020), another basis in the record allows us to uphold the court's ruling. Specifically, Hall did not introduce evidence on the third element—that his protected activity motivated Brewer's decision to retaliate. One way of showing causation is to introduce evidence of suspicious timing—an adverse action following closely on the heels of a complaint. *See FKFJ, Inc. v. Vill. of Worth*, 11 F.4th 574, 586 (7th Cir. 2021). But Brewer's alleged retaliatory conduct occurred five months after Hall's February 2021 grievance, which "is far from sufficient to raise an inference of retaliation." *Id*. at 587.

Hall also raises a procedural challenge from early in the proceedings and argues that the court wrongly denied his motion to compel discovery. In his view, the documents he requested (prison work orders relating to cells in which he had been housed) would have shown that the cells' conditions posed an unreasonable risk of serious damage to his health. But the court was within its discretion to deny Hall's motion because he did not comply with the local rules, *see Hinterberger v. City of Indianapolis*, 966 F.3d 523, 528 (7th Cir. 2020), by failing to supplement his motion with his document requests, *see* C.D. Ill. R. 26.3(C).

Lastly, Hall argues that the district court erred when it, twice, denied his motion to recruit counsel. He maintains that the court did not adequately assess the difficulties of proceeding on his own, given his limited access to the law library and the complexity of his case. But the court acted within its discretion to deny the requests based on its view that his claims were not complex; involved issues of which he had direct, personal knowledge; and were within his competence to litigate. *See Pruitt v. Mote*, 503 F.3d 647, 654–55 (7th Cir. 2007) (en banc); *Riley v. Waterman*, 126 F.4th 1287, 1297–98 (7th Cir. 2025).

We have considered Hall's other arguments, and none merits discussion.

AFFIRMED