

NONPRECEDENTIAL DISPOSITION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 18, 2026*

Decided August 19, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1697

DANIEL C. STOVALL,
Plaintiff-Appellant,

v.

ARAMARK CORRECTIONAL
SERVICES, LLC,
Defendant-Appellee.

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

No. 2:22-cv-00484-JPH-MJD

James Patrick Hanlon,
Judge.

ORDER

Daniel Stovall, an Indiana prisoner, challenges the district court's summary judgment order rejecting his claim under the Eighth Amendment that Aramark Correctional Services, LLC served a high-soy diet that caused him gastrointestinal

* 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).

issues. *See* 42 U.S.C. § 1983. The district court concluded that no reasonable jury could conclude that Stovall's medical condition was caused by Aramark's diet. We affirm.

We construe the facts and draw all reasonable inferences in Stovall's favor, the nonmovant. *See Balle v. Kennedy*, 73 F.4th 545, 553 (7th Cir. 2023). In March 2022, Stovall arrived at Wabash Valley Correctional Facility, which contracts with Aramark to provide meals to prisoners. Shortly after his arrival, Stovall began to experience health issues: chronic and painful constipation alternating with debilitating diarrhea, vomiting, pain in his digestive tract, lightheadedness, insomnia, panic attacks, depression, and brain fog. Stovall blamed his health issues on Aramark's diet, which—for cost-cutting reasons, he believed—relied on high amounts of soy as a substitute for meat. Stovall says that he filed grievances about his diet, but the grievance counselor failed to file or document them.

Stovall brought this § 1983 suit against Aramark, a grievance specialist, the warden, the Indiana Department of Correction, and the State of Indiana. He asserted that they knowingly served him a toxic high-soy diet in violation of his rights under the Eighth Amendment and interfered with the grievance process in violation of his due-process rights under the Fourteenth Amendment. He moved separately for the recruitment of counsel based on his difficulties with dyslexia, depression, and anxiety.

The district court screened the complaint under 28 U.S.C. § 1915A and allowed Stovall to proceed on claims that Aramark has a policy, custom, or practice of providing an inadequate diet, *see Monell v. Dep't of Social Servs.*, 436 U.S. 658, 694 (1978), and has acted negligently under state law. The court dismissed any claim against the Indiana Department of Correction or the State of Indiana because states and their agencies are not "persons" that may be sued under § 1983. The court also dismissed Stovall's claim about the grievance process because he does not have a substantive due process right to a grievance procedure, let alone an effective one. *See Grieveson v. Anderson*, 538 F.3d 763, 772 (7th Cir. 2008). Soon thereafter, the court denied Stovall's motion for recruitment of counsel because he did not state that he made a reasonable effort to contact potential counsel on his own.

The district court then set a pretrial schedule and, as relevant to this appeal, required the parties to inform each other if they intended to use expert witness testimony. The court directed the parties to disclose expert reports from each expert witness in compliance with Federal Rule of Civil Procedure 26(a)(2)(B). Stovall soon

sent Aramark a list of the experts he intended to call but did not include their expert reports.

After Aramark moved for summary judgment, Stovall responded that he had found experts who concluded that Aramark's diet contains dangerous amounts of soy. Stovall attached a press release from a nutrition-focused nonprofit group touting the testimony of four experts who testified in a deliberate-indifference lawsuit against officials at the Illinois Department of Corrections that large amounts of soy in a prison diet can cause serious health problems. *See Harris v. Brown*, No. 07-CV-3225, 2014 WL 4948229, at *1 (C.D. Ill. Sept. 30, 2014).

Stovall later filed a motion asserting that, in response to his lawsuit, Aramark had "completely" reduced the amount of soy in its diet to "cover up [its] negligence and wrongdoing." The district court pointed out that Stovall's "vague" statements were not evidence and could not be considered at summary judgment and—to the extent that Stovall sought for the court to take action—denied the motion.

The district court then granted Aramark's motion for summary judgment, determining that no reasonable jury could conclude that Aramark had any custom or policy that caused Stovall's health issues. The court reasoned that even if Aramark served high-soy meals, Stovall did not provide any evidence to show a causal connection between the meals and his medical issues. Having disposed of Stovall's sole federal claim, the court relinquished supplemental jurisdiction over his state-law claim.

On appeal, Stovall first argues that the district court prematurely granted summary judgment to Aramark without giving him sufficient time to find expert witnesses. He contends that only expert testimony could have settled the dispute over whether Aramark had a high-soy diet that was dangerous to his health.

But Stovall did not alert the district court that he needed more time to find an expert witness. If he believed that he needed further time for discovery to respond to Aramark's summary judgment motion, he should have moved under Federal Rule of Civil Procedure 56(d), stating the reasons why he could not present evidence essential to his opposition. *See Foreman v. Wadsworth*, 844 F.3d 620, 625 (7th Cir. 2016) (citing cases that apply the rule to pro se litigants). But he did not seek relief under Rule 56(d) or even inform the court, at any stage of the proceedings, that he needed assistance or more time in finding expert witnesses. What's more, the expert testimony that Stovall attempted to proffer—testimony from experts with whom he had never spoken, and

expert testimony drawn from another case about prison diets in Illinois, *see Harris*, 2014 WL 4948229—was rightly rejected by the district court as supported by only conjecture or speculation. *See Barnes v. Wexford Health Sources, Inc.*, 177 F.4th 825, 831 (7th Cir. 2026).

To the extent that Stovall challenges the district court’s denial of his motion to appoint counsel, we see no abuse of discretion. As the court rightly explained, Stovall did not make a reasonable effort to recruit counsel on his own. *See Eagan v. Dempsey*, 987 F.3d 667, 682 (7th Cir. 2021).

Last, Stovall maintains that the district court should have denied summary judgment after he told the court that Aramark—to cover up its wrongdoing—had completely reduced the amount of soy in its diet. But a plaintiff cannot defeat summary judgment with mere speculation, *see Weaver v. Champion Petfoods USA Inc.*, 3 F.4th 927, 936 (7th Cir. 2021), and Stovall’s bald assertion of wrongdoing is not evidence.

AFFIRMED