

NONPRECEDENTIAL DISPOSITION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 April 24, 2024*

Decided April 24, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 23-2985

WALTER J.D. MOFFETT,
Plaintiff-Appellant,

v.

MICHAEL DITTMAN, et al.,
Defendants-Appellees.

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

No. 18-cv-656-wmc

William M. Conley,
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

Walter Moffett, a state prisoner, appeals the summary judgment rejecting various claims of mistreatment while he was incarcerated at Columbia Correctional Institution in Portage, Wisconsin. We affirm.

In late 2018, Moffett brought a wide-ranging complaint against prison officials at Columbia. The district court screened the complaint and allowed Moffett to proceed on claims that prison officials in 2016 infringed upon his rights under the Eighth Amendment by failing to provide medical attention, *see* 42 U.S.C. § 1983, and violated the Americans with Disabilities Act and the Rehabilitation Act by placing him in a unit that was not wheelchair accessible. *See* 42 U.S.C. §§ 12111–17; 29 U.S.C. § 794. The court, however, dismissed his conditions-of-confinement claim because he had alleged only the usual discomforts associated with prison. The court also dismissed a doctor and a nurse who Moffett did not allege consciously disregarded his illness or injury after a fall. Finally, the court dismissed both a correctional officer who Moffett did not allege ignored his wheelchair needs and an inmate complaint examiner whose adverse decision allegedly had displeased Moffett.

The court later entered summary judgment for the remaining defendants (including the warden, eight correctional officers, a unit manager, a health services manager, two social workers, and the director of psychology) on grounds that Moffett did not exhaust administrative remedies because he failed to file a grievance with prison administrators about the alleged unconstitutional conduct.

Moffett appeals the district court's judgment, but his opening brief does not engage with the district court's reasoning. *See* FED. R. APP. P. 28(a)(8); *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). He asserts in his reply brief that he was unable to exhaust administrative remedies because he never received an "inmate complaint form," did not have access to any forms, and was told by officials that the prison was "out" of forms, but he waived those arguments by failing to include them in his opening brief. *See Tuduj v. Newbold*, 958 F.3d 576, 579 (7th Cir. 2020).

Moffett does challenge the district court's screening order, arguing that no one should have been dismissed at the screening stage because "all the defendants mentioned in [the complaint] were directly or indirectly involved in abuse." But the dismissed claim worked no prejudice because the record establishes that Moffett did not exhaust his administrative remedies with regard to his constitutional claims. Inmates must comply strictly with the prison's rules for filing grievances and appeals,

Jones v. Bock, 549 U.S. 199, 204 (2007); *Pozo v. McCaughtry*, 286 F.3d 1022, 1024–25 (7th Cir. 2002), and Moffett filed only three grievances in 2016, none of which identified issues with wheelchair accessibility or medical care other than a co-pay problem.

AFFIRMED