

NONPRECEDENTIAL DISPOSITION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 October 30, 2024*

Decided October 31, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2255

TERRON PRICE,
Plaintiff-Appellant,

v.

LORI PATTERSON,
Defendant-Appellee.

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

No. 20-cv-286-SMY

Staci M. Yandle,
Judge.

ORDER

Terron Price, an Illinois prisoner, maintains that a prison nurse, Lori Patterson, treated him with deliberate indifference in violation of the Eighth Amendment by delaying his access to medical care. The district court granted Patterson's motion for

* 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).

summary judgment because there was no evidence that she knew of, and consciously disregarded, a serious risk to Price's health. We affirm.

We recount the facts in the light most favorable to Price, the party opposing summary judgment. *McDaniel v. Syed*, 115 F.4th 805, 816 (7th Cir. 2024). Price injured his back on a job at the prison when he lifted a trashcan into the dumpster. Immediately afterward, he experienced great pain, could not walk, and had to lay down on the floor. He reported the injury to his supervisors, one of whom contacted the prison's health care unit. According to Price, the supervisor said she spoke to a nurse named either Lori or Laura,¹ who said that he needed to submit a sick slip before he could be seen by the health care unit. Price filled out a sick slip, and the supervisor brought it to the health care unit. Price was not seen by the health care unit until ten days later. He was given Tylenol, which did not relieve his pain.

His back pain persisted. Over the next two years, he went to the health care unit at least seven times complaining of back pain. He was referred to a physician who prescribed medication and physical therapy.

Price filed this lawsuit under 42 U.S.C. § 1983, asserting that Patterson delayed his access to medical care in violation of his rights under the Eighth Amendment. The district court granted Patterson's motion for summary judgment. The court explained that even if Price's back injury were assumed to be objectively serious, no evidence suggested that Patterson knew of and consciously disregarded a serious risk to his health. Her only involvement with Price's care, the court stated, was informing his supervisor that he could not be seen without first filling out a sick slip, and the failure to see him without a sick slip—given the absence of emergency symptoms—did not rise to the level of deliberate indifference.

On appeal Price argues that the evidence was sufficient for a jury to find that Patterson was made aware of his back injury and failed to take reasonable steps to treat it. But even if we assumed, as did the district court, that his injury was an objectively

¹ Whether Lori Patterson was the proper defendant was debated in the district court. Patterson, relying on the deposition testimony of Price's supervisor that the nurse's name was Laura, denied that she was the nurse contacted by Price's supervisor. But Price testified at deposition that the supervisor told him the nurse's name was either Lori or Laura. Regardless, this discrepancy is immaterial, as Patterson no longer presses the argument.

serious condition, Price offered no evidence showing that Patterson had a sufficiently culpable state of mind. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994). Although we construe the facts and draw reasonable inferences in Price's favor, he must offer evidence to meet his burden of proof. *Quinn v. Wexford Health Sources, Inc.*, 8 F.4th 557, 567 (7th Cir. 2021) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)). He did not do so. He provided no evidence that Patterson's minimal involvement—telling his supervisor that the health care unit required a sick slip before he could be seen—reflected any conscious disregard of his medical needs.

AFFIRMED