NONPRECEDENTIAL DISPOSITION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 July 9, 2025*
Decided July 10, 2025

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2616

BRENT TAYLOR,
Plaintiff-Appellant,

v.

DAWN BUSS & DENNIS LEWTON,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:21-CV-852-PPS-AZ

Philip P. Simon,
Judge.

O R D E R

Brent Taylor, an Indiana prisoner who needs prescription eyeglasses, appeals the grant of summary judgment rejecting his claims that the prison's optometrist was deliberately indifferent to his eye condition and that a deputy warden retaliated against him for complaining about his medical needs. We affirm.

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* 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).

We construe the following facts in favor of Taylor, the nonmovant at summary judgment. *Clemons v. Wexford Health Sources, Inc.*, 106 F.4th 628, 634 (7th Cir. 2024). Taylor, who was down to his last pair of contact lenses, was seen in July 2021 by an optometrist, Dr. Dennis Lewton. Lewton had been contracted by Indiana State Prison to provide optometry care to prisoners. Lewton diagnosed Taylor with nearsightedness but otherwise found him in good ocular health. Lewton then sent Taylor's eyeglasses prescription to the prison medical staff to be filled. Lewton told Taylor that it would take two to three weeks for the eyeglasses to be delivered.

For reasons not explained in the record, the prescribed eyeglasses never arrived. Taylor tried to navigate the prison without eyewear but kept bumping his head into objects. He resorted to his last pair of contact lenses, which had expired, and soon developed an eye infection. A few weeks later, Taylor filed a grievance about the missing eyeglasses and his eye infection. He was told by the grievance specialist to submit a health care request form about his eye infection, though the record does not reflect whether he did so. Prison officials eventually reordered Taylor's eyeglasses, which he received in late November 2021. Lewton saw Taylor again in March 2022 and noted no sign of an eye infection.

In the meantime, in October 2021, Taylor wrote to the prison's deputy warden, Dawn Buss, about his delayed eyeglasses and the inadequate care he received for his eye infection. Buss responded, Taylor maintains, by retaliating against him. First, Taylor says, Buss directed another prisoner, Matthew Thies—who facilitated a personal-development course Taylor attended—to threaten to remove him from the class unless he stopped complaining about medical care. Second, Buss, who oversaw the prison's law library, limited Taylor's library access.

Taylor then brought this suit under 42 U.S.C. § 1983 against Lewton, Buss, and Warden Ron Neal, among others. District Judge Miller screened Taylor's complaint under 28 U.S.C. § 1915A and allowed him to proceed with a claim against Lewton for deliberate indifference to his eyecare needs, in violation of his rights under the Eighth Amendment. The judge also allowed Taylor to proceed with a retaliation claim against Buss, in violation of his rights under the First Amendment. The judge dismissed Neal and the remaining defendants from the case either because they were not personally involved in Taylor's medical care or because Taylor did not sufficiently allege that the delay of prescription eyeglasses was a systemic problem at the prison.

Lewton and Buss then moved for summary judgment. District Judge Simon, to whom the case had been reassigned, granted summary judgment for Lewton because he was not personally involved in the delay of Taylor's eyeglasses and had no personal knowledge about Taylor's eye infection. The judge also granted summary judgment for Buss because there was no admissible evidence that she retaliated against Taylor by threatening to remove him from his class and limiting his library access.

On appeal, Taylor challenges the summary judgment ruling and argues—starting with his Eighth Amendment claim of deliberate indifference—that the judge discounted Lewton's awareness of an infection risk arising out of the delayed eyeglasses. A delay in treating a non-life-threatening but painful condition may constitute deliberate indifference if the delay exacerbates the injury or prolongs the prisoner's pain. *See Reck v. Wexford Health Sources, Inc.*, 27 F.4th 473, 483 (7th Cir. 2022) (delay in treating painful perianal abscess resulting from Crohn's disease).

To establish an Eighth Amendment claim premised on inadequate medical care, the plaintiff must show that he suffered from an objectively serious medical condition and that the defendant was subjectively aware of, and deliberately indifferent to, that condition. *Munson v. Newbold*, 46 F.4th 678, 681 (7th Cir. 2022). As the judge here concluded, Taylor cannot satisfy the subjective component: Taylor presented no evidence that Lewton was ever aware of his eye infection. The record shows that Taylor began complaining about an eye infection in August 2021 (a month after he was seen by Lewton), that Lewton did not note any eye infection during his visits with Taylor, and that Lewton never learned about Taylor's complaints about an eye infection. To the extent Taylor asserts that Lewton was the primary official responsible for ordering glasses at the prison, the evidence shows that Lewton's only involvement in ordering Taylor's eyeglasses was sending the prescription to prison officials.

Next, Taylor argues—with regard to his claim of First Amendment retaliation—that the judge overlooked a remark purportedly made to him by Thies, acknowledging Buss's directive that Taylor be threatened with removal from prison courses for complaining about his delayed eyeglasses. To establish a prima facie case of First Amendment retaliation, Taylor had to prove that (1) he engaged in activity protected by the First Amendment; (2) that an adverse action was taken against him; and (3) his First Amendment activity was at least a factor that motivated the adverse action. *Adams v. Reagle*, 91 F.4th 880, 887 (7th Cir. 2024). Here, no reasonable jury could find that Buss retaliated against Taylor because there was no admissible evidence that Buss directed Thies to threaten to remove Taylor from prison courses. Thies's out-of-court statements

about Buss's directives are inadmissible hearsay. *See* FED. R. EVID. 801(c). To the extent Taylor proposes that Thies's statements fall under the hearsay exception in Rule 801(d)(2)(D) (agent of a party opponent), his proposal fails because he never put forward evidence that Thies was Buss's employee or that Thies's statements were made within the scope of an employment relationship. *See Hildreth v. Butler*, 960 F.3d 420, 429 (7th Cir. 2020).

Taylor relatedly argues that he can show retaliation on Buss's part based on the suspicious timing between his October letter and the reduction of his library time a month later. But suspicious timing alone will rarely suffice to create a triable issue of fact. *Manuel v. Nalley*, 966 F.3d 678, 681 (7th Cir. 2020) (citing *Loudermilk v. Best Pallet Co.*, 636 F.3d 312, 315 (7th Cir. 2011)). And, here, a month elapsed between Taylor's October letter to Buss and the reduction of his access to the library—too long a period to support an inference of retaliation. *See FKFJ, Inc. v. Vill. of Worth*, 11 F.4th 574, 586–87 (7th Cir. 2021). Regardless, as Judge Simon noted, Buss attested that she was not involved in the library's day-to-day management (which included preparing passes for prisoner access), and no evidence suggests that she ever ordered prison officials to limit his library time.

We close by acknowledging a challenge that Taylor makes to one aspect of Judge Miller's screening order—the judge's decision that Taylor did not state an Eighth Amendment claim against Warden Neal and Buss on a theory that they were deliberately indifferent to his serious medical needs. Taylor points to allegations in his complaint that they ignored letters he sent them complaining about the delayed eyeglasses, inadequate treatment for his eye infection, and subpar eyecare that he regarded as a systemic problem at the prison.

This argument fails for several reasons. First, Taylor did not allege that Neal and Buss were personally involved in procuring eyeglasses and treating medical conditions at the prison. *See Gonzalez v. McHenry Cnty.*, 40 F.4th 824, 828 (7th Cir. 2022). Nonmedical prison officials—like Neal and Buss—who delegate the treatment of medical conditions to the prison's medical staff are not deliberately indifferent for doing so. *Burks v. Raemisch*, 555 F.3d 592, 595 (7th Cir. 2009). Second, Taylor did not allege that his correspondence to Neal and Buss was sufficient to alert them that his medical issues posed an excessive risk to his health or safety. *See Ollison v. Gossett*, 136 F.4th 729, 738 (7th Cir. 2025); *see also Vance v. Peters*, 97 F.3d 987, 994 (7th Cir. 1996). Third, Taylor's allegations that other unidentified prisoners experienced delays in receiving eyeglasses

were too cursory to state a claim that Neal and Buss disregarded systemic deficiencies in the prison's provision of eyecare. *See Ollison*, 136 F.4th at 737–38.

AFFIRMED