NONPRECEDENTIAL DISPOSITION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 16, 2023*
Decided August 21, 2023

Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-1387

CORY PAIGE,
Plaintiff-Appellant,

v.

WEXFORD HEALTH SOURCES, INC., et al.,
Defendants-Appellees.

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

No. 3:16-CV-01315-NJR

Nancy J. Rosenstengel,
Chief Judge.

O R D E R

Cory Paige, an Illinois prisoner, sued Wexford Health Sources, Inc., various medical providers, and the warden of his prison for deliberate indifference to his headaches and vision loss, which, he asserts, delayed the diagnosis of his pituitary

* 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).

tumor and caused him to become blind. Paige appeals the district court's entry of summary judgment for the defendants and its earlier denial of his motion for leave to amend the complaint. But because he does not develop any arguments, we affirm.

We view the record in the light most favorable to Paige and draw all reasonable inferences in his favor. *See Munson v. Newbold*, 46 F.4th 678, 681 (7th Cir. 2022). Paige experienced worsening headaches and vision loss from 2012 to 2015, while he was incarcerated at Menard Correctional Center in Chester, Illinois. He saw several medical providers during this period, including a physician, Dr. John Trost, and an optometrist. Wexford Health Sources, Inc., the medical-care contractor for the Illinois Department of Corrections at the time, employed Dr. Trost; the optometrist contracted with Wexford.

At a 2014 appointment with Paige, the optometrist observed that Paige's vision had declined and his intraocular pressure had increased. Suspecting glaucoma, she prescribed eye drops. Though Paige's pain and vision loss did not improve over multiple check-ups, the optometrist continued to prescribe eye drops and ordered no additional treatment. Paige also saw Dr. Trost a few times in 2014 and 2015. Each time, Dr. Trost prescribed Excedrin for migraines and no other treatment. Over a year after the optometrist had noted Paige's declining vision and increased intraocular pressure, a new doctor examined Paige and recommended that he see a neurologist immediately. Paige was diagnosed with a pituitary tumor and, after surgeries and radiation treatments, became blind.

Before his diagnosis, Paige sent several grievances and messages to the then-warden of Menard, Kimberly Butler, complaining about the medical treatment he was receiving. He does not know whether she received them.

As relevant here, Paige sued Dr. Trost, a "John Doe" eye doctor, Wexford, and Warden Butler for violating his rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. He alleged that: (1) Dr. Trost and the optometrist were deliberately indifferent to his severe pain and vision loss by consistently failing to alter their treatments even though they were not alleviating his symptoms; (2) Butler was deliberately indifferent by ignoring his complaints of inadequate medical treatment; and (3) Wexford had a policy or custom of sacrificing adequate care to cut costs, which caused the delay in his diagnosis and resulting vision loss.

While discovery was pending, Paige, through his court-recruited counsel, moved for leave to amend his complaint to add a new defendant, name the Doe optometrist

(Dr. Christine Lochhead), and drop his claim for injunctive relief because he had been transferred. Wexford and Dr. Trost argued that amendment would be futile because claims against Dr. Lochhead and the new defendant were untimely and would not relate back to the original complaint. In reply, Paige agreed with the defendants on these points, but he argued that the limitations period should be tolled.

The parties consented to the jurisdiction of the magistrate judge, *see* 28 U.S.C. § 636(c), who mostly denied Paige's motion. Exercising discretion under Federal Rule of Civil Procedure 15(a), the magistrate judge declined to allow Paige to add a defendant or name the optometrist. The magistrate judge concluded that the motion was belated because Paige had learned Dr. Lochhead's name and the new defendant's identity through initial discovery 19 months prior, and introducing new claims at the "late stage" in litigation would prejudice the current and proposed defendants by requiring more discovery. The magistrate judge permitted Paige to withdraw the claim for injunctive relief, and Paige amended the complaint accordingly.

After discovery concluded, Wexford, Dr. Trost, and, separately, Warden Butler, moved for summary judgment. By then, the case had been randomly reassigned to a district judge. The district judge concluded that a reasonable jury could not find either that Dr. Trost was deliberately indifferent because there was insufficient evidence that his treatment decisions were outside the bounds of professional judgment or that Wexford had a policy or custom of choosing profits over adequate care that directly impacted Paige's care. Nor could Butler be liable for failure to intervene, the judge ruled, because Paige failed to establish an underlying constitutional violation. Paige appeals.

Paige first challenges the entry of summary judgment for the defendants, but his arguments are waived. The brief makes no specific argument for reversal. *See Shipley v. Chi. Bd. of Election Comm'rs*, 947 F.3d 1056, 1062–63 (7th Cir. 2020); *Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018) (explaining that "an appellate brief that does not even *try* to engage the reasons the appellant lost has no prospect of success" and finding arguments forfeited). Paige does not point to any disputed fact and does not distinguish among his different claims against the different defendants. Nor did Paige file a reply brief defending against the appellees' arguments that he waived all appellate challenges and that summary judgment was proper. *See Lanahan v. County of Cook*, 41 F.4th 854, 866 (7th Cir. 2022). Because Paige's challenge to the summary judgment ruling is wholly undeveloped, it is waived. *See id.*

Paige next argues that the magistrate judge erred by denying his motion for leave to amend the complaint and name the optometrist because, he insists, the amendment relates back to the original complaint under Federal Rule of Civil Procedure 15(c). Whether he is correct or not, however, the magistrate judge denied leave to amend under Rule 15(a) based on undue delay and prejudice to the defendants, and Paige does not develop any argument about this discretionary determination.[1] *See Hackett v. City of South Bend*, 956 F.3d 504, 510 (7th Cir. 2020) (affirming because appellant did not address district court's stated reasons for its ruling).

AFFIRMED

[1] It is not obvious that Paige's proposed amendment was unduly delayed. He moved for leave to amend before the deadline in the scheduling order, when discovery remained open and only one deposition had been taken (his). It also appears that the optometry treatment was a subject of discovery from the outset, given the defendants' arguments that Dr. Trost reasonably referred Paige to "Menard's optometrist" and deferred to her as a specialist. On the other hand, Paige knew the names he wanted to add for more than a year before his motion. In any event, we cannot craft arguments for Paige when he does not engage at all with the magistrate judge's reasoning.