NONPRECEDENTIAL DISPOSITION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 February 16, 2024*
Decided February 20, 2024

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-1717

DeLAURENCE ROBINSON,
Plaintiff-Appellant,

v.

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

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 18 C 5729

Jorge L. Alonso,
Judge.

O R D E R

DeLaurence Robinson, an Illinois prisoner, sued prison physicians and their employer, Wexford Health Sources, Inc.; he alleged that the doctors violated his Eighth Amendment rights by deliberately ignoring his knee pain. *See* 42 U.S.C. § 1983. The district court entered summary judgment for the defendants, concluding that the

* 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).

physicians had exercised their professional medical judgment and that Robinson lacked evidence that a Wexford policy caused their decisions. Because the undisputed evidence shows that the physicians did not consciously disregard Robinson's pain, we affirm.

We recount the facts in the light most favorable to Robinson and draw all reasonable inferences in his favor. *See Donald v. Wexford Health Sources, Inc.*, 982 F.3d 451, 457 (7th Cir. 2020). While he was an inmate at Stateville Correctional Center, Robinson had numerous encounters with prison physicians concerning various complaints. (The physicians were employed by Wexford, a private company that contracts to provide medical care to Illinois prisoners.)

Relevant in this appeal is the treatment of Robinson's left knee. Robinson has suffered from persistent pain in his left knee for several years. Throughout 2016, Robinson attended 11 physical therapy sessions to address that pain. In December 2016, Dr. Saleh Obaisi renewed a prescription for a knee sleeve.

Robinson's knee pain continued throughout 2017. In January 2017, Dr. Evaristo Aguinaldo renewed Robinson's sleeve permit again. Robinson was then transferred out of Stateville temporarily; when he returned, he was still experiencing pain in his left knee. At this time, Dr. Aguinaldo ordered x-rays and prescribed naproxen to address the pain. After the x-rays showed no signs of fracture, Dr. Aguinaldo referred Robinson to Dr. Rozel Elazegui, the medical director at Stateville.

In March 2018, Dr. Elazegui renewed Robinson's knee sleeve, prescribed acetaminophen, and ordered x-rays (which again showed no signs of bone or joint damage). Dr. Elazegui also referred Robinson for a physical therapy evaluation. Robinson had completed 11 sessions of physical therapy when, in August 2018, he injured his left knee playing basketball. Following the injury, prison staff performed an ultrasound on Robinson's knee, which revealed no problems.

Robinson continued to experience pain in his left knee. To address the pain, medical staff prescribed him pain medication, including diclofenac and more acetaminophen. Finally, Robinson was sent for an MRI in March 2019, and the images showed lateral patellar tracking disorder (a misaligned kneecap). Based on these results, medical staff renewed Robinson's knee sleeve and low bunk permits, prescribed tramadol, and referred him to physical therapy again. Later, he received a one-year permit for gel insoles in his shoes. By October 2019, the physical therapist noted that Robinson had full range of motion, no weakness, and a normal gait.

Believing that the physicians at Stateville had ignored his complaints of pain and refused to order an MRI before his August 2018 injury, Robinson sued Dr. Obaisi (represented by his estate), Dr. Aguinaldo, and Dr. Elazegui for deliberate indifference to his serious medical needs in violation of the Eighth Amendment. *See* 42 U.S.C. § 1983. He also sued Wexford under *Monell v. Department of Social Services*, 426 U.S. 658 (1978), alleging that it had a pattern of instructing physicians not to order MRIs because of cost, which delayed the identification of the source of his pain.

Along with his complaint, Robinson filed a motion to recruit counsel, *see* 28 U.S.C. § 1915(e)(1), which the district court granted. After reviewing Robinson's medical records and hiring an expert, however, counsel moved to withdraw, stating that he could not represent Robinson consistent with his ethical obligations. *See* FED. R. CIV. P. 11(b). The court granted counsel's motion. Robinson filed two more motions to recruit counsel: one after the first lawyer withdrew, and another after discovery closed. The court denied both requests, concluding that Robinson had thus far demonstrated an ability to adequately represent himself and that it would likely be difficult finding pro bono lawyers who would advocate for him given their professional responsibilities.

The defendants later moved for summary judgment, and the court granted the motion. First, the court applied Local Rule 56.1 and determined that, to the extent Robinson disputed the defendants' asserted facts, he failed to support his disagreements with citations to the evidentiary record. The court thus accepted the defendants' factual statements over conflicting statements from Robinson that were unsupported. The court then explained that Robinson lacked evidence that anyone ignored his complaints about pain in his knee. To the contrary, the court explained, the undisputed evidence showed that the physicians examined Robinson multiple times and used their medical judgment to determine a course of treatment. And because Robinson could not show that the physicians violated his constitutional rights, the court concluded, he also could not establish *Monell* liability for Wexford.

Robinson then filed a motion to reconsider, arguing that the court should not have enforced Local Rule 56.1 or granted the defendants' motion because they had sent him an outdated version of the local rules. The court denied Robinson's motion, concluding that the rules he had received provided sufficient notice of his obligations and that his filings showed that he understood what was required of him.

On appeal, Robinson primarily challenges the entry of summary judgment for the doctors, which we review de novo. *See Donald*, 982 F.3d at 457. He does not mention the *Monell* claim against Wexford, so we do not address it.

Robinson contends as an initial matter that the district court abused its discretion by enforcing Local Rule 56.1 even though the defendants had sent him an out-of-date version of the rules. We give "substantial deference" to a judge's enforcement of local rules, *McCurry v. Kenco Logistics Services, LLC*, 942 F.3d 783, 787 n.2 (7th Cir. 2019), and Robinson does not establish any error here. The district court reasonably concluded that the defendants sufficiently notified Robinson of his obligation to respond to their motion with admissible evidence including affidavits. *See Outlaw v. Newkirk*, 259 F.3d 833, 841 (7th Cir. 2001). Indeed, Robinson does not suggest that he was misled, nor explain what he would have done differently in response to the summary judgment motion had he received a current version of the local rules. *See id.* at 841–42.

On the merits, Robinson argues that he raised genuine issues of material fact that the district court improperly resolved against him. To succeed on his Eighth Amendment claim, Robinson needed evidence of "acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs." *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). In the context of medical treatment, "we defer to a medical professional's treatment decision 'unless no minimally competent professional would have so responded under those circumstances.'" *Lockett v. Bonson*, 937 F.3d 1016, 1023 (7th Cir. 2019) (quoting *Pyles v. Fahim*, 771 F.3d 403, 409 (7th Cir. 2014)).

Robinson does not point to evidence that any of the physicians failed to exercise medical judgment in responding to his complaints. To the contrary, the undisputed evidence shows that Robinson received prompt and continuous medical care in the form of imaging tests, pain medications, a knee sleeve, and physical therapy. *See Lockett*, 937 F.3d at 1024–25. Although he insists that the doctors waited far too long to obtain an MRI, diagnostic techniques are a matter of professional judgment, and here the doctors were providing treatment in the interim—treatment that did not change significantly after the diagnosis. *See Murphy v. Wexford Health Sources Inc.*, 962 F.3d 911, 916 (7th Cir. 2020). On this record, no reasonable jury could conclude that the doctors acted with a state of mind akin to criminal recklessness. *See Stewart v. Wexford Health Sources, Inc.*, 14 F.4th 757, 764 (7th Cir. 2021).

Finally, Robinson argues that the district court erred by allowing his counsel to withdraw and declining to recruit new counsel—decisions we review for abuse of discretion. *See Parker v. Four Seasons Hotels, Ltd.*, 845 F.3d 807, 816 (7th Cir. 2017) (withdrawal of counsel); *Pruitt v. Mote*, 503 F.3d 647, 658 (7th Cir. 2007) (en banc) (recruitment of counsel). Here, Robinson did not respond to his lawyer's motion to withdraw, and the withdrawal did not prejudice his case; discovery had not yet begun, allowing Robinson ample time to prepare his case. *See Parker*, 845 F.3d at 816 (withdrawal 11 months from trial provided pro se litigant sufficient time to prepare). Robinson protests that the recruited lawyer decided to withdraw before receiving all his medical files, but the district court found that counsel had performed "an extensive investigation," and therefore it did not abuse its discretion in accepting counsel's representations about his ability to advocate for Robinson.

Moreover, the court did not abuse its discretion by denying Robinson's second and third motions for recruited counsel. The court considered the relative simplicity of the case along with Robinson's experience litigating in federal court, and it reasonably concluded that Robinson understood the law and could articulate it effectively. *See Pruitt*, 503 F.3d at 658.

AFFIRMED