

NONPRECEDENTIAL DISPOSITION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 September 11, 2023*

Decided September 12, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-2105

RUDY FREDDY WEBB,
Plaintiff-Appellant,

v.

RICHARD HALE, et al.,
Defendants-Appellees.

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

No. 17-C-716

Lynn Adelman,
Judge.

ORDER

Rudy Webb, a former Wisconsin prisoner, appeals the district court's judgment on a jury's verdict in favor of correctional officers whom he sued under the Fourteenth Amendment over a claim of excessive force. Because Webb did not provide us with a trial transcript, we dismiss his appeal.

* 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).

This case concerns the use of force during an escort at the Waukesha County Jail. Webb brought this suit under 42 U.S.C. § 1983 against Lieutenant Richard Hale and four correctional officers for injuries he incurred to his wrist, legs, and back while they escorted him to a cell where he could be monitored in accordance with the prison's suicide protocol. Webb's excessive force claim went to a jury trial.

Before the start of the trial, the defendants filed a series of motions in limine, all but one of which were unopposed. Webb, who was represented by counsel in the district court, opposed only the defendants' motion to preclude testimony over the reasons why video recordings of the incident were not preserved. The court granted the unopposed motions and reserved ruling on the video recordings. The court later ruled — according to the appellees — that Lieutenant Hale could be questioned outside the presence of the jury about his role in preserving the video evidence. The jury ultimately returned a verdict for the defendants. Webb did not file any post-trial motions.

Webb's brief on appeal touches upon many aspects of his proceedings, but we understand him primarily to challenge the district court's rulings on the defendants' motions in limine. Webb, however, has not provided the relevant portions of the trial transcript, as required when raising such a challenge on appeal. Federal Rule of Appellate Procedure 10(b)(2) provides that, "[i]f the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion." Without a transcript, we are unable to evaluate the court's rulings, and therefore we cannot conduct a meaningful review of Webb's arguments. *See Morisch v. United States*, 653 F.3d 522, 529 (7th Cir. 2011).¹ Regardless, we note that Webb did not oppose seven of the eight motions in limine in the district court, and on the eighth, the court eventually allowed Hale to testify about his role in the decision-making process concerning the recordings. Also, to preserve an evidentiary objection for appeal, Webb needed to "make an offer of proof or otherwise explain the substance of the evidence he sought to present," *Henderson v. Wilkie*, 966 F.3d 530, 535 (7th Cir. 2020); *see also* Fed. R. Evid. 103(a)(2), and he did not.

DISMISSED

¹ Webb appears to be aware of his responsibility to supply relevant trial transcripts, having already supplemented the record to include transcripts of the parties' opening and closing statements.