NONPRECEDENTIAL DISPOSITION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 26, 2024*
Decided February 26, 2024

Before

DIANE S. SYKES, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 23-2423

JAMES LOCKRIDGE,
Plaintiff-Appellant,

v.

CHARLES LARSON, et al.,
Defendants-Appellees.

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

No. 21-cv-558-pp

Pamela Pepper,
Chief Judge.

O R D E R

James Lockridge, a Wisconsin prisoner, appeals the judgment in favor of the defendants in his lawsuit asserting that members of the prison medical staff were deliberately indifferent to his serious medical needs after he injured his back and

* 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).

shoulder. During the proceedings, Lockridge moved four times for recruitment of counsel. The district judge denied each motion, as well as Lockridge's request for leave to amend his complaint. On appeal, he challenges these rulings, but none was an abuse of the judge's discretion, and so we affirm.

The district judge's summary-judgment decision sets forth the underlying facts (including Lockridge's complex medical history), and we do not recap them in detail here because they are not material to the arguments on appeal. In February 2019, Lockridge fell from the top bunk in his prison cell, landing on his feet but hitting his back on a desk and wrenching his shoulder on the way down. A nurse, Roger Krantz, responded to Lockridge's complaint of shoulder pain the next day. Krantz, who could not prescribe medication as a nurse, referred Lockridge to a doctor. Krantz had additional interactions with Lockridge but not about his shoulder pain.

Over the next several months, Dr. Charles Larson treated Lockridge's back and shoulder pain, as well as his several other medical issues. Dr. Larson ordered an X-ray of Lockridge's shoulder, which showed mild degenerative joint disease and no acute injury. He prescribed non-narcotic pain medication and a topical cream, administered cortisone shots, ordered physical therapy, and eventually authorized an orthopedic consultation. (Lockridge was also taking pain medications for other conditions.) Lockridge told Dr. Larson that he got some relief from the various pain treatment methods for at least some time. Almost a year after the injury, a different doctor ordered an MRI of Lockridge's shoulder. The images showed that Lockridge had a torn rotator cuff. He received rotator cuff repair surgery almost two years after his injury.

Before his shoulder was fixed, Lockridge had submitted several requests to the Health Services Unit for help with pain relief, complaining that Dr. Larson's treatments were inadequate. Although many of these requests were addressed to the manager of the unit, Candace Whitman, various medical providers responded to them instead.

Based on these events, Lockridge sued Krantz, Larson, and Whitman under 42 U.S.C. § 1983 for deliberate indifference to his serious medical needs in violation of the Eighth Amendment. He asserted that the defendants ignored the pain in his shoulder for two years until he received surgery.

After the claims survived screening under 28 U.S.C. § 1915A, Lockridge twice moved for recruitment of counsel. He stated that he was unable to obtain representation on his own and that he needed counsel because of the complexity of the case and the logistical challenges presented by his incarceration. The district judge denied both

motions, concluding that, although Lockridge had made sufficient efforts to find his own lawyer, he appeared competent to litigate the case on his own. Further, she noted, his stated reasons for needing counsel applied to all incarcerated litigants.

Almost a year into the lawsuit, during discovery, Lockridge requested leave to amend his complaint. He asked to add as a defendant the prison guard to whom he had protested being assigned to a top bunk before he fell. Lockridge stated that the guard "set in motion" the events leading to the lawsuit but did not otherwise describe what the guard did or did not do that might have violated his rights. The judge denied Lockridge's motion without prejudice because he did not follow Civil Local Rule 15(b) of the Eastern District of Wisconsin, which requires a party seeking leave to amend a complaint to specify what changes are requested and attach a proposed amended complaint. Lockridge did not seek leave to amend again.

The defendants moved for summary judgment, and Lockridge then moved for recruitment of counsel again. The judge denied this motion for the same reasons as before, noting that Lockridge still had not explained why he required a pro bono attorney more than other incarcerated plaintiffs. Lockridge then filed his responses to the motion for summary judgment, but he did not cite any evidence in the record when he stated his disagreement with the defendants' factual statements, nor did he submit his own version of the facts supported by admissible evidence. After the defendants pointed out these shortcomings in their reply brief, Lockridge moved for recruited counsel for a fourth time, stating that he and his "help" "didn't know what we were doing." The district judge denied this motion, too. She acknowledged that Lockridge had struggled to respond properly to the motion for summary judgment but concluded that recruiting counsel so late in the proceedings was unjustified when Lockridge was unlikely to succeed on the merits.

The judge also granted the defendants' motion for summary judgment. She concluded that there was no evidence that Nurse Krantz was deliberately indifferent when he examined Lockridge after his injury and referred him to a doctor because there was nothing he could do. The judge further concluded that there was no evidence that Dr. Larson was deliberately indifferent to Lockridge's pain when he had continuously examined Lockridge and provided various pain treatments, some of which were at least temporarily successful. Finally, the judge concluded that there was no basis for liability for Whitman, the manager of the health unit: There was no evidence that she knew of Lockridge's ongoing pain, and regardless, she was acting as an administrator and was therefore entitled to defer to the treatment decisions of the other medical professionals.

On appeal, Lockridge does not challenge these substantive conclusions. He argues only that the district judge abused her discretion when she denied his motions for counsel and motion to amend his complaint.[1]

We begin with Lockridge's motions for counsel, reviewing the judge's rulings for abuse of discretion. *Pruitt v. Mote*, 503 F.3d 647, 658 (7th Cir. 2007) (en banc). The judge applied the correct standard when deciding whether to recruit counsel under 28 U.S.C. § 1915(e)(1), first determining whether Lockridge made reasonable efforts to find counsel, then asking whether Lockridge was competent to represent himself given the case's difficulty. *See id.* at 654–55. In ruling on the first two motions, the judge explained that Lockridge appeared competent to represent himself because his complaint was well-written and easy to follow. On appeal, Lockridge argues that he was incapable of litigating for himself because he has a learning disability. But he never presented that argument to the district judge, and we review the judge's decision based only on what was in the record at the time of her decision. *See id.* at 659.

The judge's reasoning for denying the third motion was also proper. Judges must rule based on the "particular plaintiff's capacity" given "the challenges specific to the case at hand." *Id.* at 655. Yet, despite being prompted twice before, Lockridge still did not explain, in the third motion, what individualized circumstances warranted recruiting counsel for him more than other incarcerated plaintiffs facing similar obstacles. The judge had to choose how best to allocate scarce resources, *see Mejia v. Pfister*, 988 F.3d 415, 420 (7th Cir. 2021), and made a reasonable decision.

Nor did the judge abuse her discretion when she denied the fourth motion for counsel. She acknowledged that Lockridge had struggled to respond to the defendants' motion for summary judgment. But she concluded that enlisting a pro bono attorney was not appropriate because it had become clear that Lockridge had little chance of success on his constitutional claims. That consideration of the merits was appropriate. *See Watts v. Kidman*, 42 F.4th 755, 767 (7th Cir. 2022).

As to the denial of Lockridge's motion to amend his complaint, we again review the decision for abuse of discretion. *See MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 994 F.3d 869, 878 (7th Cir. 2021). District courts may require strict compliance with their local rules, and so denying the motion on that ground was

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[1] Lockridge raises substantive challenges to the summary judgment decision in his reply brief, but arguments not advanced in the opening brief are waived. *See White v. United States*, 8 F.4th 547, 552 (7th Cir. 2021). We therefore do not discuss them.

appropriate, especially because the judge made clear that she would entertain a conforming motion. *See Hinterberger v. City of Indianapolis*, 966 F.3d 523, 528 (7th Cir. 2020). Further, Lockridge did not tell the court what the proposed defendant did that might have violated his rights; it appears that this guard simply fielded a complaint about being given a top bunk, and Lockridge never filed another motion stating otherwise.

AFFIRMED