NONPRECEDENTIAL DISPOSITION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 December 2, 2022*
Decided December 6, 2022

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 21-2700

REGINALD JONES,
Plaintiff-Appellant,

v.

MONTGOMERY WATERMAN, et al.,
Defendants-Appellees.

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

No. 3:20-cv-00158-SMY

Staci M. Yandle,
Judge.

O R D E R

Reginald Jones appeals the dismissal of his prisoner-rights suit against prison officials at Menard Correctional Center in Chester, Illinois, but he did not obtain the relevant transcripts that he knew he needed and could afford for appeal. In the district

* 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).

court, the defendants moved for summary judgment on the ground that Jones had not exhausted his administrative remedies. *See* 42 U.S.C. § 1997e(a). The court held a hearing on that issue, *see Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008), and found that Jones failed to exhaust. On appeal, Jones asserts that the evidence at the hearing does not support the court's finding. He concedes that he bears "the obligation to submit the transcripts" of the hearing, and he admits that he can afford them. Because he did not file the transcripts, we cannot review his appeal and must therefore dismiss it.

Jones alleged that, in violation of his First and Eighth Amendment rights, the defendants retaliated against him in July and December 2019 for his role in assaulting staff at another facility. The exhaustion defense applies to both incidents. First, Jones asserts that upon arriving at Menard in July, staff refused to treat his injuries from the assault and tried to attack him. According to the magistrate judge who held the *Pavey* hearing, Jones filed a grievance about these events. But the judge's report and recommendation states that when Jones filed this suit, a grievance officer had not yet reviewed his grievance, and Jones never appealed it administratively, both steps that are required. *See Chambers v. Sood*, 956 F.3d 979, 983 (7th Cir. 2020). Second, Jones asserts that, in December, staff dispersed pepper spray into his cell and told him that a hit had been carried out on his family. Jones also asserts that a staff member told him he was destroying Jones's mail. According to the magistrate judge, Jones did not file grievances about these latter events. Jones unsuccessfully argued that the grievance process was unavailable to him because, in his view, prison staff never gave him the correct versions of the grievance forms. Regarding the July incidents, the judge found that the prison accepted his grievance despite Jones's use of an older form, and a grievance officer testified that the older form was valid. And the judge found that Jones could have filed a grievance about the December incidents with the forms he had. Over Jones's objections, the district court adopted the magistrate judge's recommendations to enter summary judgment for the defendants.

On appeal, Jones contests summary judgment, arguing that the testimony at the *Pavey* hearing did not support the exhaustion defense. But we cannot review his appeal because he did not submit the transcripts of that hearing. He knew that he was required to do so. *See* FED. R. APP. P. 10(b)(2); *Morisch v. United States*, 653 F.3d 522, 529 (7th Cir. 2011). As we will explain, he also had the means to do so. Because the lack of transcripts precludes meaningful review, we must dismiss the appeal. *See Morisch*, 653 F.3d. at 529.

Jones generally provides three explanations for not filing the transcripts, but none is availing. First, he asserts that he could not "secure the funds himself," yet the record belies that claim. The filing fee for the appeal was $505, and the total cost of the transcripts he was seeking was less than $500. The district court denied Jones's request to appeal in forma pauperis on the ground that he had over $2,000 in his trust account, enough to pay for both the filing fee and the transcripts. *See* FED. R. APP. P. 24(a)(3)(A). (With the help of family, he paid the filing fee.) Then, in early 2022, he admitted to the district court, and to us, that he indeed "has the $441.65 for payment of transcript fees" and thus *can* afford them. Given his admissions and his account balance, we have no reason to think that Jones could not afford the transcript fee. *See Maus v. Baker*, 729 F.3d 708, 709–10 (7th Cir. 2013).

Second, Jones argues that he needed the courts' administrative help to get the money. He had moved the district court to compel prison staff to release funds for the transcripts, arguing that he could not get the signatures needed to obtain over $500 from his account. The court denied relief. It noted that Jones did "not claim that anyone ha[d] refused a request for payment of the fees at issue from his trust fund account." Thus, the court properly concluded that because the prison was not infringing on Jones's constitutional rights, it would not "interfere with the administration of a correctional facility." *See Sandin v. Conner*, 515 U.S. 472, 482 (1995); *see also Holleman v. Zatecky*, 951 F.3d 873, 880 (7th Cir. 2020) (internal citations omitted) (observing that courts should give prison officials deference and flexibility in "day-to-day prison management"). He filed similar motions with this court. But because the transcripts cost *less than* $500, obviating his asserted need for signatures required for withdrawals of more than $500, two judges of this court separately denied his requests to compel staff to release his funds.

Third, Jones asserts that the district court arbitrarily "denied" him access to the transcripts. As support, he references a different case in which the district judge there granted motions similar to those that the district judge here denied. But district judges have discretion to manage their cases, *see Miller v. Chicago Transit Auth.*, 20 F.4th 1148, 1154 (7th Cir. 2021), and may respond differently to similar case-management motions without committing errors. Here, the court permissibly denied Jones's initial requests for transcripts as premature because he raised them before he had filed an appeal. And as we have already explained, the district court reasonably denied his later request. Jones also argues that the district court unfairly refused his request to compel three court reporters to accept payment in a single check. But he cites, and we know of, no statutory authority requiring the district court to compel the court reporters to accept

payment in a single check. The district court thus did not err in leaving it up to Jones to purchase and file the necessary transcripts.

Given the lack of the required transcripts that Jones had the means, knowledge, and obligation to supply, we DISMISS the appeal.