NONPRECEDENTIAL DISPOSITION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 May 12, 2023*
Decided May 15, 2023

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-2729

ANDREW SLABON,
Plaintiff-Appellant,

v.

ANGELO R. SANCHEZ, et al.,
Defendants-Appellees.

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

No. 1:15-cv-8965

Steven C. Seeger,
Judge.

O R D E R

Andrew Slabon sued police officers and others under 42 U.S.C. § 1983 and Illinois law over their treatment of him during events in January 2014 that led to his criminal conviction for attacking a nurse. The district court dismissed two defendants and entered summary judgment for the rest. On appeal, Slabon contests the two

* 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).

dismissals, but they were justified based on a legally inadequate claim and failure to serve process. He also challenges the district court's acceptance of the defendants' version of the facts when ruling on summary judgment, but that decision reasonably enforced the court's local rules, and summary judgment is otherwise uncontested. Thus, we affirm.

We describe the events based on the properly submitted facts, viewed in the light most favorable to Slabon and in accordance with the district court's local rules. *See Lockett v. Bonson*, 937 F.3d 1016, 1022 (7th Cir. 2019); *see* N.D. ILL. L.R. 56.1(e). Slabon came home one afternoon to find his mother on the floor, unresponsive. Police and paramedics responded to his call, and as the paramedics attended to her, Slabon screamed, flailed his arms, and tried to reach his mother. After he learned that his mother had died, he threatened suicide, and the police took him to a hospital in Chicago for an evaluation. Hospital staff restrained Slabon's arms and ankles because of his agitation. He still managed to kick a nurse in the chest, thrusting her backwards to crash into the cabinetry. For that attack, he was later charged in Illinois state court with and convicted of aggravated battery and sentenced to 50 months' imprisonment. *See People v. Slabon*, 112 N.E.3d 1019 (Ill. App. Ct. 2018).

Slabon sued everyone involved in this incident. He included police officers, medical technicians, the hospital, and its staff (including Lauren Benjamin, the nurse he kicked, and Dr. Kenneth Barrick, the emergency-room physician who admitted him to the hospital). His operative seventh amended complaint includes federal claims of violations of the Fourth Amendment and state-law torts.

Years of litigation ensued, and the case ended in three steps relevant here. First, the court dismissed the claim against Dr. Barrick. After Dr. Barrick did not respond to the complaint, Slabon moved for a default judgment, and the court ordered Slabon to justify his request for damages from Dr. Barrick. Slabon argued that Dr. Barrick's decision to admit him to the hospital against his wishes led to damages arising from his later conviction and imprisonment for attacking the nurse. After holding a hearing, the court ruled that Slabon could not recover those alleged damages from Dr. Barrick.

Second, the court dismissed claims against Benjamin because Slabon had not served her with process. The dismissal came after the court had warned Slabon multiple times that failure to serve her would result in dismissal. Two years after the dismissal and over four years after suing Benjamin, Slabon served her with process. But the court refused to reinstate her, explaining that Slabon had not shown good cause for his delay.

Third, the district court granted the motions of the remaining defendants for summary judgment. The court accepted as true the defendants' proposed facts. It reasoned that it had repeatedly explained to Slabon, who was pro se, how to respond to the defendants' proposed statements of material facts under Local Rule 56.1 of the Northern District of Illinois. It also had twice granted him more time to do so. Despite this help, the court further explained, Slabon's responses to those proposed facts were inadequate because, among other problems, they impermissibly relied solely on allegations and denials rather than admissible evidence. The court then proceeded, in a nearly 60-page order, to dispose of Slabon's claims on the merits.

On appeal, Slabon first challenges the court's decision to enforce Local Rule 56.1, but it reasonably applied that rule. *See F.T.C. v. Bay Area Bus. Council, Inc.*, 423 F.3d 627, 634 (7th Cir. 2005). "[D]istrict judges are entitled to insist on strict compliance with local rules designed to promote the clarity of summary judgment filings." *Stevo v. Frasor*, 662 F.3d 880, 887 (7th Cir. 2011). The rule requires that a party opposing summary judgment respond to each disputed fact with "citations to the supporting evidentiary materials." N.D. Ill. L.R. 56.1(e). Moreover, a movant's proposed facts "may be deemed admitted if not controverted with specific citations to evidentiary material." *Id.* Here, after the court explained these rules to Slabon and allowed him extra time to comply, he still violated them; the court therefore properly accepted the defendants' proposed facts. Slabon responds that the court overlooked evidence that conflicts with the defendants' version of facts. But he does not point to evidence in the record that supports his contention. Because Slabon does not otherwise engage with the court's analysis of the merits, we need not further address the remainder of the district court's decision. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023) (an appellant may waive an issue "by failing to present a developed argument on appeal that engages with the reasoning of the district court"). Thus, summary judgment was proper.

Next, Slabon challenges the district court's decision refusing to enter a default judgment against Dr. Barrick. We review a refusal to enter a default judgment for abuse of discretion. *See Arwa Chiropractic, P.C. v. Med-Care Diabetic & Med. Supplies, Inc.*, 961 F.3d 942, 946 (7th Cir. 2020); *Dimmitt & Owens Fin., Inc. v. United States*, 787 F.2d 1186, 1193 (7th Cir. 1986). To receive a default judgment, Slabon had to "establish his entitlement to the relief he seeks." *VLM Food Trading Int'l, Inc. v. Ill. Trading Co.*, 811 F.3d 247, 255 (7th Cir. 2016) (citation omitted). But he did not. He argues that the damages from his conviction and incarceration for attacking the nurse arise from Dr. Barrick's allegedly wrongful decision to admit him to the hospital. But damages must "naturally

flow" from an allegedly wrongful act. *Wehrs v. Wells*, 688 F.3d 886, 893 (7th Cir. 2012) (citation omitted); *see also Domanus v. Lewicki*, 742 F.3d 290, 303 (7th Cir. 2014). And Slabon does not explain how his crime of unjustifiably attacking the nurse (the conviction for which is intact and valid) naturally flowed from Dr. Barrick's decision to admit him to the hospital. Therefore, any damages from that conviction and incarceration are not recoverable from Dr. Barrick, and the district court rightly dismissed him from that claim.

Finally, Slabon argues that the court erred in dismissing Benjamin and not entering default judgment against her. But those decisions were proper. Under Federal Rule of Civil Procedure 4(m), Slabon had 90 days to serve Benjamin after he sued her. But two years after he launched this suit, he still had not served her. Although he finally served her more than four years after this suit began, he did not show the district court good cause for the delay (and does not on appeal offer good cause). Thus, the district court reasonably declined to extend the time for service. *See* FED. R. CIV. P. 4(m); *Jones v. Ramos*, 12 F.4th 745, 749 (7th Cir. 2021). Because Benjamin was not timely served, the district court properly dismissed her, and it rightly did not enter a default judgment against her. *See* FED. R. CIV. P. 4(m).

AFFIRMED