

**NONPRECEDENTIAL DISPOSITION**  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 January 5, 2023\*  
Decided January 11, 2023

**Before**

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 21-2814

WALTER THOMPSON,  
*Plaintiff-Appellant,*

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

*v.*

No. 2:17-cv-02169

TIMOTHY F. BUKOWSKI, et al.,  
*Defendants-Appellees.*

Sue E. Myerscough,  
*Judge.*

**ORDER**

Walter Thompson, an Illinois prisoner, appeals the entry of summary judgment for the defendants on his claims that prison officials failed to provide him with appropriate medical care to treat his hemorrhoids and transported him over long distances under circumstances that exacerbated the condition. We affirm.

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\* 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).

When reviewing a summary judgment, we view the facts in the light most favorable to Thompson. *Henry v. Hulett*, 969 F.3d 769, 774 (7th Cir. 2020) (en banc). Thompson was housed at the Jerome Combs Detention Center in Kankakee, Illinois, for two stints (March 2014 to May 2015; July 2016 to March 2017) and often had to travel about 70 miles in each direction to Chicago for federal legal proceedings. Thompson made the trips 15 times in vans that caused him substantial discomfort. He was shackled to other prisoners and seated at an uncomfortable angle on a vertical steel bench with his back against a steel wall. The vans had no seat belts. On at least three occasions after traveling in the vans, Thompson experienced anal bleeding, which he believes was caused by his hemorrhoid condition. Additionally, Thompson feared that he would be injured in a collision because of the awkward seating angle, his inability to see outside of the van, and the lack of airbags or seat belts in the vans.

Thompson regularly saw Brett Huffines, a physician assistant at the jail, for treatment of his hemorrhoid condition. At one visit in December 2014, Huffines conducted a digital rectal examination; though Huffines used a lubricated glove, Thompson contends that the digital exam was too forceful. Huffines recorded in his notes that he found a “very small external hemorrhoid,” ordered a prescription cream to treat the hemorrhoids, and advised Thompson to return to the clinic if his symptoms recurred.

Over the following months, Thompson continued to see Huffines. In March 2015, a couple weeks after being sent to the hospital for imaging tests upon complaints of abdominal pain, Thompson saw Huffines and complained of hemorrhoids and continuing pain in his abdomen and testicles. Huffines noted that the hospital CT scan results were negative, and he advised Thompson to apply the hemorrhoid cream as instructed (Thompson admitted that he had not been using the cream) and to return if his symptoms worsened. The next month Thompson saw Huffines for rectal bleeding; Huffines prescribed a soft chair for Thompson to use in his cell and elsewhere in the jail.

More than a year later and during his second stint at the jail, Thompson complained to Huffines of hemorrhoid pain as well as pain in his shoulder and back. Huffines ordered lab tests and prescribed ibuprofen. At a follow-up appointment a few months later, Thompson told Huffines that he believed that his transport in the vans was exacerbating his hemorrhoids. Huffines continued Thompson’s current medications, but he did not recommend any restrictions on the van rides. Thompson traveled in the vans on three more occasions but did not complain further of anal bleeding.

In July 2017 Thompson sued Huffines and five nonmedical jail officials for failing to properly treat his hemorrhoids and for transporting him to court proceedings in vans that fell below constitutional standards. *See* 42 U.S.C. § 1983. He also asked for counsel to be recruited to assist him. The district judge screened Thompson's complaint, 28 U.S.C. § 1915A, and allowed him to proceed with his claims, but she denied his motion for recruited counsel with leave to renew on a more developed record. The judge explained that Thompson appeared competent to proceed pro se because his pleadings were "relatively well written" and he had personal knowledge of many of the relevant facts.

While discovery was ongoing, Thompson sought reconsideration of the denial of his request for counsel. The judge denied his motion, concluding, as before, that Thompson appeared competent to litigate pro se based on the quality of his pleadings, his personal knowledge of the factual record, and the straightforward nature of the claims. Thompson renewed his motion for appointed counsel.

In the meantime, the defendants moved for summary judgment, and the judge granted and denied the motion in part. The judge entered summary judgment for the defendants on Thompson's claim regarding the unsafe van transport, finding the claim blocked by qualified immunity. The judge concluded that based on the decisions of several courts holding that the failure to seat belt a shackled inmate does not generally pose a substantial risk of serious harm, Thompson had no clearly established constitutional right to be transported with a seat belt. The judge also found no cases to support Thompson's claim that other transport conditions (e.g., being shackled or sitting sideways on steel benches without back support) might violate the Eighth Amendment. In addition, the judge denied Thompson's renewed motion for recruited counsel, explaining that Thompson had "already comprehensively developed the record" and that he appeared competent to proceed pro se in light of the "relatively straightforward nature" of the claims. But the judge denied the defendants' motion for summary judgment on Thompson's remaining medical deliberate-indifference claims, which could not be resolved on the present record.

After permitting additional discovery, the judge entered summary judgment on these claims as well. Construing Thompson's claims under the Eighth rather than the Fourteenth Amendment (because Thompson was serving a sentence for a state conviction at the time of the events), the judge determined that no reasonable jury could find that any defendant was deliberately indifferent to Thompson's hemorrhoid

condition. According to the judge, the record showed that Huffines had provided Thompson with appropriate medical care to alleviate his hemorrhoid condition—prescribing a soft chair for use at the jail and providing care for his other ailments. The judge also concluded that Thompson had not provided evidence from which to infer that the other nonmedical defendants were deliberately indifferent by deferring to Thompson’s physicians with regard to his care.

On appeal Thompson first challenges the judge’s qualified-immunity analysis regarding his claims that the conditions of the vans violated constitutional standards. He points to the evidence in his deposition that he was shackled to other prisoners in an uncomfortable position, prevented from using a seat belt, and subjected to excessively rough conditions during lengthy 70-mile journeys. He argues that these conditions violated his clearly established constitutional rights, citing cases in which courts found unconstitutional excessive force based on the amount of pain that prisoners reported experiencing.

But the judge correctly determined that qualified immunity shields the defendants. Qualified immunity protects government officials from lawsuits for damages unless they violate a clearly established and specific constitutional right. *See Harlow v. Fitzgerald*, 457 U.S. 800, 818–19 (1982). With regard to the conditions of Thompson’s transport, we agree with the judge that Thompson did not have a clearly established right to a seat belt. Neither the Supreme Court nor this court has ruled that transporting an inmate without a seat belt creates an intolerable risk of harm. *See, e.g., Proffitt v. Ridgway*, 279 F.3d 503, 507 (7th Cir. 2002); *Jabbar v. Fischer*, 683 F.3d 54, 57–58 (2d Cir. 2012). We also agree that Thompson has not identified any evidence that would persuade a reasonable jury that his complaints about the other conditions of transport (e.g., the shackling or the sideways-facing steel benches) denied him “the minimal civilized measures of life’s necessities.” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (quotation marks omitted).

Next, Thompson challenges the judge’s ruling on his claims that the defendants failed to provide adequate medical treatment for his hemorrhoids. He maintains, first, that his claims should be evaluated under the less stringent “objective reasonableness” standard under the Fourteenth Amendment because his status resembled that of a pretrial detainee awaiting resolution of his federal charges. At the time Thompson was housed at the jail, he was serving a sentence for a state crime. But he also had pending federal charges. This raises the issue of whether his claims should be evaluated under

the Eighth Amendment standard for convicted prisoners or the Fourteenth Amendment standard for pretrial detainees. *See Smith v. Dart*, 803 F.3d 304, 309 (7th Cir. 2015).

But Thompson's claims about his medical care cannot survive summary judgment when evaluated under either standard. Thompson contends that the judge undervalued the evidence (in his deposition and the grievances he filed at the jail) that Huffines failed to adequately treat his hemorrhoid condition. He argues that Huffines disregarded his medical needs by administering a painful rectal exam, minimizing the extent of his bleeding by characterizing it as intermittent, and prescribing a cream that he asserts was ineffective in alleviating his pain. But we agree with the district judge that Thompson did not present evidence that would allow a jury to find that Huffines intentionally disregarded serious risk of harm to Thompson's health, as required for an Eighth Amendment medical deliberate-indifference claim. *See Estelle v. Gamble*, 429 U.S. 97, 104–05 (1976). The record reflects that Huffines took extensive steps to treat Thompson's hemorrhoids by prescribing him cream and ibuprofen, ordering a soft chair for his use in his cell and other spaces at the jail, conducting regular evaluations, and administering blood testing. Although Huffines did not address Thompson's conditions of transport in the vans, based on this record, no reasonable jury could infer that Huffines had the requisite state of mind for a finding of deliberate indifference. *See id.*

Nor would Thompson's claims overcome summary judgment when evaluated under the Fourteenth Amendment standard, which requires him to present evidence allowing a jury to find that Huffines provided objectively unreasonable medical care. *See Miranda v. County of Lake*, 900 F.3d 335, 352 (7th Cir. 2018). Thompson has not done so: The record illustrates Huffines' efforts to conduct medical evaluations, prescribe medications, and administer testing to treat Thompson's hemorrhoids, which no reasonable jury could classify as unreasonable care.

Regarding the remaining nonmedical defendants, Thompson contends that the judge failed to recognize how they endangered his health through their acquiescence to the manner in which he was transported in the vans. But the judge correctly concluded that as prison administrators, these defendants were entitled to defer to the judgment of medical professionals—none of whom expressed any medical concerns with Thompson's continued travel in the vans. *See Giles v. Godinez*, 914 F.3d 1040, 1049–50 (7th Cir. 2019). Nor did Thompson produce evidence showing that any of the nonmedical defendants had authority to order specific care or to override the judgment of the medical professionals. *See Eagan v. Dempsey*, 987 F.3d 667, 694 (7th Cir. 2021).

Finally, Thompson challenges the judge's repeated denials of his motions for recruited counsel—requests he deems necessary based on his limitations as an inexperienced pro se litigant, his limited access to resources in prison, and his inability to contact expert witnesses who could testify about his medical condition and the strength of his case. But the judge appropriately exercised her discretion to deny the motions. The judge reasonably determined that Thompson appeared competent to litigate his claims on his own, as demonstrated by the quality of his pleadings and motions (which, the judge noted, were “well written and thorough”); the straightforward nature of his claims and applicable legal standard; and the likelihood that experts were unnecessary to prove his claims. *See Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007) (en banc). To the extent Thompson thinks that he was disadvantaged by having to litigate against a seasoned opposing counsel, the judge was required to consider only his competence to litigate the case, not his ability to present the case as effectively as a lawyer. *See id.* at 654–55.

AFFIRMED