

NONPRECEDENTIAL DISPOSITION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 March 22, 2023

Decided April 7, 2023*

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-1152

DONALD HENNEBERG,
Plaintiff-Appellant,

v.

VERNON DEWITT and JANE DOE,
Defendants-Appellees.

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

No. 20-cv-00578-SPM

Stephen P. McGlynn,
Judge.

ORDER

Donald Henneberg, formerly a prisoner at Vandalia Correctional Center, sued an unidentified correctional officer for constitutional violations related to conditions of

* 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). We have substituted Vernon Dewitt, the current Vandalia Correctional Center warden, for Angela Locke. *See* FED. R. APP. P. 43.

confinement, particularly with regard to the officer's failure to follow COVID-19 safety protocols. *See* 42 U.S.C. § 1983. The district court allowed Henneberg to take limited discovery to identify the correctional officer; the court also added Vandalia's then-warden, Angela Locke, as a defendant in her official capacity to respond to Henneberg's discovery requests. The court issued an initial scheduling order for the discovery, and warned Henneberg that failure to comply with the order would result in dismissal.

Henneberg did not comply with the court's order. He did not file the first required notice and, according to Locke, did not provide any information to help her identify the correctional officer. A later submission from Henneberg similarly skirted the court's directions by failing to specify additional steps that might be taken to discover the officer's identity. And despite stating that he could identify the officer by looks, Henneberg did not provide a description. Locke then moved to dismiss Henneberg's complaint for his failure to comply with the order.

The court, invoking Rule 41(b) of the Federal Rules of Civil Procedure, dismissed the case with prejudice based on Henneberg's non-compliance with the discovery order. The court stated that Henneberg had not met the initial deadline or communicated with Locke. And although Henneberg requested a work roster for the date the incident occurred, he specified no date for the incident. The court further emphasized that Henneberg did not provide any physical descriptions of the officer or explain why he was not participating in discovery.

On appeal Henneberg does not engage with the district court's reasoning for its dismissal. Instead, he restates many of the claims in his complaint and argues the merits of his case. Although Henneberg is proceeding *pro se*, he still must comply with the requirements of Rule 28 of the Federal Rules of Appellate Procedure, which include citations to legal authorities and the record. *See* FED. R. APP. P. 28(a)(8)(A); *Atkins v. Gilbert*, 52 F.4th 359, 361 (7th Cir. 2022). Further, even construing his brief liberally, we cannot see "more than a generalized assertion of error." *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). Because Henneberg has not provided any argument for vacating the judgment, we must dismiss his appeal.

DISMISSED