

NONPRECEDENTIAL DISPOSITION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 April 13, 2023*

Decided April 18, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-2608

STEVEN CURRY,
Plaintiff-Appellant,

v.

KIMBERLY BUTLER, et al.,
Defendants-Appellees.

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

No. 3:20-cv-01137-SMY

Staci M. Yandle,
Judge.

ORDER

Steven Curry, formerly a prisoner at Menard Correctional Center, appeals the summary judgment for the defendants on his claims of deliberate indifference to his medical needs and unsanitary conditions of confinement. *See* 42 U.S.C. § 1983. The

* 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).

district court entered summary judgment for the defendants after concluding that Curry did not exhaust his administrative remedies. We affirm.

Curry was incarcerated at Menard from 2013 to 2018. This suit centers on an emergency grievance he filed on June 2, 2017, for the “ongoing deprivation of proper medical attention” to his heart condition. (Curry’s brief mentions two pre-2017 grievances, but he appears to concede that he did not fully exhaust those grievances, so we do not discuss them further.) In the June 2017 grievance, Curry stated that he was experiencing symptoms—severe chest pain and shortness of breath—related to an open-heart surgery he had before he was incarcerated. He also stated that his living conditions were unsanitary, that he had been “deprive[d] of proper heart-monitoring,” that Menard’s medical staff was aware of his condition, and that Wexford doctors confirmed he had “a hole in [his] heart.” But Curry did not identify any responsible individuals, refer to any particular incidents, or provide any relevant dates. As relief, he requested proper heart monitoring, sanitary living conditions, or a transfer to a prison that offered physical therapy and proper heart monitoring.

After proceeding through the initial stages of review, Curry appealed to the Administrative Review Board. The Board returned the grievance as untimely: According to the Board, his failure to specify any incident dates prevented it from determining the time frame of his allegations.

In October 2020, Curry sued Menard’s former warden Kimberly Butler, healthcare administrator Gail Walls, Menard doctors John Trost and Mohammed Siddiqui, and Wexford Health Sources, Inc. The district court found the handwritten complaint “illegible” and struck it.

Curry then submitted a more readable amended complaint, in which he asserted that Trost, Butler, and Walls knew of the heart-related symptoms he was experiencing—he was eventually diagnosed with Ventricular Septal Defect—but they did nothing to ensure he received proper medical care. And he says Trost and Butler ignored his concerns about his cell conditions, which he asserted were exacerbating his heart symptoms. After Trost left his employment at Menard, Curry was seen by Siddiqui, who, Curry says, also failed to provide adequate care. Not until mid-2020, after his transfer to Pontiac Correctional Center, did Curry eventually receive the surgery he had been seeking.

The court screened the amended complaint, *see* 28 U.S.C. § 1915A, dismissed Curry's claim against Wexford (because he sought to hold it liable for the actions of its employees), and allowed Curry to proceed on Eighth Amendment claims for deliberate indifference and unconstitutional conditions of confinement.

While the case proceeded in the district court, Curry repeatedly sought the recruitment of counsel, citing the case's complexity, his weak reading and writing skills, and his partial deafness. The court denied these requests for various reasons: for instance, one motion was stricken as illegible; another was denied as premature (having been filed before screening); another was denied because he had not established indigency; and yet another because the court deemed Curry capable of litigating the question of exhaustion on his own.

The court ultimately granted the remaining defendants' motions for summary judgment based on Curry's failure to exhaust administrative remedies. With regard to the June 2017 grievance, the court found it procedurally deficient insofar as two defendants—Trost and Butler—had already left their employment at Menard. The court also concluded that the grievance was premature as to Siddiqui, whom Curry did not meet until *after* he had filed the grievance. Further, the assertions in the grievance were too conclusory and vague to alert prison officials to Curry's claims against Butler and Walls. As for the grievances Curry filed more than two months after his transfer to Pontiac, the court determined that these not only were untimely to contest his circumstances at Menard, but also principally concerned the care he received at Pontiac.

On appeal Curry challenges the district court's determination that he did not exhaust his administrative remedies. Regarding the June 2017 grievance, he generally argues that the grievance was not procedurally deficient as to Trost, Butler, or Siddiqui because he was asserting an ongoing violation. He also challenges the court's ruling that his grievance was too vague to alert prison officials to Walls's and Butler's involvement.

The Prison Litigation Reform Act requires prisoners to exhaust available administrative remedies before suing under § 1983. *See* 42 U.S.C. § 1997e(a). This court requires strict compliance with prison procedures, *see Dole v. Chandler*, 438 F.3d 804, 809 (7th Cir. 2006), meaning that prisoners "must file complaints and appeals in the place, and at the time, the prison's administrative rules require," *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002). Under the Illinois Administrative Code, Curry was required

to (among other things) include in the grievance “factual details regarding each aspect” of his complaint, “including what happened, when, where and the name of each person ... involved in the complaint.” *See* 20 ILL. ADMIN. CODE § 504.810(c).

We agree with the district court that Curry’s June 2017 grievance lacked sufficient details to exhaust his administrative remedies. The grievance, for instance, did not name any prison staff or describe any individuals involved. A prisoner need not know the name of the prison employee who he is complaining about, but he must include as much descriptive information about the individual as possible so that prison officials are alerted to the target of the grievance. *See Roberts v. Neal*, 745 F.3d 232, 235–36, (7th Cir. 2014). Relatedly, the grievance also did not include any relevant dates or descriptions of particular incidents. The purpose of the exhaustion requirement is to notify officials of a problem and give them an opportunity to address it, *see Schillinger v. Kiley*, 954 F.3d 990, 995–96 (7th Cir. 2020), but this grievance was too conclusory and unspecific to alert prison staff to the nature of Curry’s claims against any defendant.

Curry also asserts that his post-transfer grievances from Pontiac were sufficiently related to his treatment at Menard to satisfy exhaustion requirements. But even if we assume that these grievances were not untimely, we agree with the district court that the core of these grievances pertained to the medical treatment at Pontiac, not Menard. (Indeed, on each grievance, Curry specified Pontiac as the facility where the grievance issue occurred.)

Next, Curry challenges the court’s denial of his repeated requests to recruit counsel on grounds that it miscalculated his ability to litigate, among other relevant factors. But the court reasonably determined that Curry appeared competent to litigate the exhaustion issue. *See Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007) (en banc). And because we conclude that Curry did not exhaust his remedies, he could not have been prejudiced by the court’s rulings. *See Perry v. Sims*, 990 F.3d 505, 514 (7th Cir. 2021).

Curry also targets the district court’s screening order and argues that Wexford should not have been dismissed as a defendant because it was the policymaker that decided when he would receive his requested surgery. But dismissal here was appropriate because respondeat superior liability does not attach in § 1983 cases to private corporations like Wexford, *see Shields v. Ill. Dep’t of Corr.*, 746 F.3d 782, 796 (7th Cir. 2014), and Curry did not sufficiently allege that Wexford maintained an

unconstitutional policy or custom that violated his rights, *see Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978); *Dorsey v. Varga*, 55 F.4th 1094, 1102 (7th Cir. 2022).

Finally, Curry argues that the court wrongly denied his post-screening motions to amend his complaint so that he could re-introduce Wexford as a defendant. But the court appropriately exercised its discretion to deny the requests, given Curry's repeated inability to cure deficiencies. *See Lee v. N.E. Ill. Reg'l Commuter R.R. Corp.*, 912 F.3d 1049, 1052–53 (7th Cir. 2019). And in any event, amendment would be futile because the grievances are inadequate to exhaust his remedies against the company.

AFFIRMED