NONPRECEDENTIAL DISPOSITION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 August 16, 2023*
Decided August 21, 2023

Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-3030

SHANON A. WOOD,
Plaintiff-Appellant,

v.

MILWAUKEE COUNTY, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 19-CV-619

Nancy Joseph,
Magistrate Judge.

O R D E R

Shanon Wood spent three days in the Milwaukee County Jail, enduring unpleasant conditions and a skin irritation. Once released, he brought suit under 42 U.S.C. § 1983, alleging that a lack of medical care and the conditions of confinement

* 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).

violated his constitutional rights. The court entered summary judgment for the defendants because Wood had insufficient evidence supporting his claims. We affirm.

We present the facts from the record in the light most favorable to Wood. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Wood was arrested in May 2017 and spent three days in jail. During intake, Wood expressed an intent to harm himself, so he was placed on suicide watch and in a restrictive housing unit. Wood remained on suicide watch for most of his confinement (all but the last eight hours before his release) and in restrictive housing for all of it.

Wood was repulsed by the conditions in his cell. He was cold with only a "skirt" (suicide smock) to wear, had feces-stained and inferior mattresses that caused an itchy allergic skin irritation, and he experienced flooding in his cell for at least three hours when another detainee deliberately blocked a toilet. Wood repeatedly complained to unidentified jail staff about these conditions and asked for treatment for his itchy skin. At one point, Wood had a brief conversation with Kevin Johnson—a sheriff's lieutenant who supervised jail staff but was not a correctional officer—about some of his problems. Wood asked for a new mattress, a blanket, and a cell in unrestricted housing. Jail policy does not allow people on suicide watch to have blankets, but Wood received another mattress within hours of speaking to Johnson.

Wood sued Johnson and Milwaukee County under 42 U.S.C. § 1983, contending that the conditions at the jail violated his constitutional rights. (His complaint included other defendants, but they were dismissed at various stages, and Wood does not contest those decisions.) After the district judge screened the complaint, 28 U.S.C. § 1915(e)(2), Wood proceeded on claims of inadequate medical care and unconstitutional conditions of confinement against Johnson, as well as a claim under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978), against Milwaukee County. Shortly after screening, a magistrate judge began presiding by consent, 28 U.S.C. § 636(c), and Johnson unsuccessfully moved for summary judgment based on a failure to exhaust administrative remedies.

After discovery, Johnson filed a second motion for summary judgment, this time joined by Milwaukee County, and the court granted it. The court agreed with the defendants that no reasonable factfinder could conclude that Johnson had violated Wood's constitutional rights. The court explained that Wood's itchy skin was not a serious medical need, and that Johnson's response to Wood's complaints about his conditions of confinement was not objectively unreasonable. As for Milwaukee County, the court stated that *Monell* liability was unavailable because Wood did not link Johnson's actions to a municipal policy, practice, or custom.

On appeal, Wood generally contests the entry of summary judgment against him, focusing mainly on his conditions of confinement. Because Wood was a pretrial detainee, his § 1983 claims stem from the Fourteenth Amendment, and we apply the standard described in *Kingsley v. Hendrickson*, 576 U.S. 389 (2015). Under that standard, for his claims to survive summary judgment, Wood needed to provide evidence from which a reasonable factfinder could conclude that Johnson responded in an "objectively unreasonable" way to unconstitutional conditions of confinement or to a serious medical need. *See Hardeman v. Curran*, 933 F.3d 816, 821–22 (7th Cir. 2019) (conditions); *Miranda v. Cnty. of Lake*, 900 F.3d 335, 351–52 (7th Cir. 2018) (medical care).

Wood argues that the district court impermissibly credited Johnson's account over his, but even Wood's account alone, if believed, would not allow a reasonable factfinder to infer that Johnson subjected him to conditions that were "'excessive in relation to' any legitimate non-punitive purpose." *Hardeman*, 933 F.3d at 824 (quoting *Kingsley*, 576 U.S. at 398). According to Wood, he complained to Johnson during a brief conversation; he requested a blanket, a clean mattress, and a transfer from restricted housing. But Wood was on suicide watch at the time, so a reasonable factfinder could not find that denying the requests for a blanket and a different cell was objectively unreasonable. And Wood acknowledges that he received another mattress within hours—not an unreasonable interval. *See Antonelli v. Sheahan*, 81 F.3d 1422, 1429–30 (7th Cir. 1996) (being without mattress for one evening not an unconstitutional harm under deliberate indifference standard). And to the extent that Wood argues that Johnson is liable for the actions of correctional staff because he was in charge, there is no supervisory liability under § 1983. *See Kemp v. Fulton Cnty.*, 27 F.4th 491, 497–98 (7th Cir. 2022); *Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009).

As for his medical treatment claim, Wood did not produce evidence that he had a serious medical need. He self-describes an "allergic" reaction to conditions in his cell, but nothing more, and he does not say that it persisted after his detention. On this record, a reasonable factfinder could not infer that Wood had a serious medical need. *See Perry v. Sims*, 990 F.3d 505, 511 (7th Cir. 2021). Wood also argues generally that his detention negatively affected his mental health, but he has not linked this to any purportedly unreasonable action of Johnson's.

Finally, Wood broadly disputes the entry of summary judgment for Milwaukee County on the *Monell* claim, insisting that "Milwaukee County Jail was in control." But that assertion, while true, does not alone provide a basis for liability on the part of the county for the actions of its employees; a policy, practice, or custom of the county must

have caused an injury. *See Monell*, 436 U.S. at 694. But Wood does not address the "critical question" of what policy, practice, or custom deprived him of his constitutional rights. *Glisson v. Ind. Dep't of Corr.*, 849 F.3d 372, 379 (7th Cir. 2017); *see also Los Angeles Cnty. v. Humphries*, 562 U.S. 29, 36 (2010) (explaining *Monell*'s "policy or custom" requirement). Therefore, entering summary judgment for the county was proper.

AFFIRMED