NONPRECEDENTIAL DISPOSITION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 July 11, 2023*
Decided July 17, 2023

Before

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 22-3225

ANDRE JACKSON,
Plaintiff-Appellant,

v.

VERNON COUNTY, WISCONSIN,
and CHARLES JACOBSON,
Defendants-Appellees.

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

No. 20-cv-917-wmc

William M. Conley,
Judge.

O R D E R

Andre Jackson, a Wisconsin prisoner, appeals the summary judgment against him for failing to exhaust administrative remedies related to his First and Eighth Amendment claims. 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).

This suit concerns the lack of adequate resources available to Jackson while he was temporarily housed at the Vernon County Jail in Viroqua, Wisconsin, from September 2019 to February 2020. (He later was transferred to New Lisbon Correctional Institution in New Lisbon, Wisconsin.) Jackson alleged, first, that the jail acted with deliberate indifference toward his high blood pressure in violation of his rights under the Eighth Amendment by failing to provide him adequate recreational space. Second, he alleged that Charles Jacobson, the jail's captain, denied him access to the courts in violation of his rights under the First Amendment by denying his request to use an internet-enabled laptop for legal research.

The defendants moved for summary judgment on exhaustion grounds. They argued that Jackson failed to exhaust his administrative remedies because he did not raise his concerns in the requisite formal grievances. *See* 42 U.S.C. § 1997e(a). Jackson countered that he had done so in the form of two general inquiries that he submitted. In one inquiry purportedly to address his concerns about limited recreation and access to the courts, he asked to see the jail's contract with the Wisconsin Department of Corrections. Jail officials directed him first to the sheriff's office and then to state court, where he was unsuccessful in obtaining the contract. In his other general inquiry, Jackson criticized the jail's lack of legal resources, and jail officials directed him to the Wisconsin Department of Corrections for assistance.

The district judge granted the defendants' motion for summary judgment. Regarding Jackson's Eighth Amendment claim, the judge noted that Jackson's general inquiries did not explicitly mention his alleged lack of recreation or exercise. As for the First Amendment claim, the judge explained that Jackson had filed general inquiries over access to the courts and the jail's contract, but he had not—as the jail's grievance procedure required—filed a formal grievance. Finally, with regard to the availability of administrative remedies, the judge saw no evidence that any jail official misled Jackson about the grievance procedure or affirmatively led him to believe that he did not have to use the grievance procedure.

On appeal Jackson argues that the judge wrongly determined that administrative remedies were available to him, given the incomprehensible nature of the grievance process and advice from the jail that he describes as misleading. But this is not a case where the administrative scheme was so opaque that Jackson could not take advantage of it. *See Ross v. Blake*, 578 U.S. 632, 643–44 (2016). To the contrary, the record reflects that Jackson was familiar with the grievance process. He previously had filed a formal grievance, and he acknowledged being told of the jail's rules. Moreover, the record does

not suggest that jail officials—by directing Jackson to other governmental units for assistance—misled him into believing that the grievance process was satisfied or that he was excused from filing a formal grievance. *See id.*; *Crouch v. Brown*, 27 F.4th 1315, 1321 (7th Cir. 2022) (collecting cases).

Jackson also argues that remedies were unavailable because he could not have filed a grievance within 14 days of his transfer, as required by the jail's policy. But Jackson waived this argument by not raising it first in the district court. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023). Jackson next proposes that he exhausted his administrative remedies through his state-court litigation, which, he submits, superseded the jail grievance process. But inmates must strictly comply with an institution's administrative-exhaustion requirements, *see Crouch*, 27 F.4th at 1320; *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002), and in Jackson's case that meant filing a formal grievance.

Finally, Jackson argues that the judge should have conducted a *Pavey* hearing to ascertain the availability of administrative remedies to him. *See Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008). Even if we accept all his assertions as true, nothing in the record suggests that the grievance process was unavailable, so no *Pavey* hearing was warranted. We have considered Jackson's other arguments, and none merits discussion.

AFFIRMED