



judgment.

On February 14, 2017, Charles Godfrey, then an inmate incarcerated at Pinckneyville Correctional Center (“Pinckneyville”), filed suit for violations of his constitutional rights pursuant to 42 U.S.C. § 1983 (Doc. 1). At threshold review, pursuant to 28 U.S.C. § 1915A, the Court identified two counts against three defendants allowing two Eighth Amendment claims for deliberate indifference against Redding and Sloan (Count 1) and against Wexford Health Sources, Inc. (Count 2).<sup>3</sup>

On December 13, 2019, Defendants Redding and Sloan moved for summary judgment (Doc. 85, 86). As stated before, Godfrey has not responded to the motion despite being warned twice (through Defendants’ Rule 56 Notice and the Court’s November 13, 2019 verbal warning), and the time to respond to the motion has passed. The Court considers Godfrey’s failure to respond as an admission of the merits of the motion filed by Defendants Redding and Sloan. *See* SDIL Local Rule 7.1(c); *Smith v. Lamz*, 321 F.3d 680, 683 (7th Cir. 2003). *See also Flynn v. Sandahl*, 58 F.3d 283, 288 (7th Cir. 1995)(noting that a failure to respond constitutes an admission that there are no undisputed material facts). Based on this admission, the Court finds that Defendants were not deliberately indifferent to Godfrey’s medical needs when they placed him in and/or allowed him to remain in the top housing gallery, which he could not access without climbing the stairs

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may result in the dismissal of his case.

<sup>3</sup> Count 2 was subsequently dismissed for failure to exhaust administrative remedies (Doc. 42).

or using a cane.

Accordingly, the Court **GRANTS** the motion for summary judgment (Doc. 85). The Court **DIRECTS** the Clerk of the Court to enter judgment in favor of Randall Redding and Hiram Sloan on Godfrey's Eighth Amendment claim for deliberate indifference in Count 1. Plaintiff Charles Godfrey shall recover nothing.

**IT SO ORDERED.**

**Date: January 28, 2020.**

 Digitally signed by  
Magistrate Judge  
Gilbert C. Sison  
Date: 2020.01.28  
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**GILBERT C. SISON**  
**United States Magistrate Judge**