

NONPRECEDENTIAL DISPOSITION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 May 20, 2026*

Decided May 20, 2026

BeforeTHOMAS L. KIRSCH II, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 24-1766

JESSE R. PEREZ,
*Plaintiff-Appellant,**v.*MOHAMMED SIDDIQUI, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Southern District of
Illinois.

No. 20-cv-00728-SMY

Staci M. Yandle,
*Chief Judge.***ORDER**

Jesse Perez, an Illinois prisoner, sued various prison officials and healthcare providers over allegedly ineffective treatment of his ruptured appendix and infected testicle. On appeal, Perez challenges the district court's screening of certain claims and

* 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).

entry of summary judgment for failure to administratively exhaust other claims. We affirm.

Perez, who is incarcerated at Menard Correctional Center, submitted three grievances relevant to this appeal. The first (No. 347-7-19) was submitted in July 2019. He stated that in June 2019 he woke up with a sharp pain on the right side of his abdomen. Nurse Practitioner Mary Jo Zimmer examined him and took x-rays. Afterwards, Perez continued to experience stomach pain and also noticed a lump in his right testicle. He told Nurse Tatika Locke that he needed to go to the hospital because of pain, vomiting, loss of appetite, and the lump in his testicle. Locke took a urine sample and did nothing else. Days later, Perez reported continuing symptoms and a bloated, tender stomach. Zimmer sent him to the hospital where he was diagnosed with a ruptured appendix and received an emergency appendectomy. After surgery, he was informed that an infection had spread to his kidneys, lungs, stomach, and right testicle. He was transferred to a different hospital where he received testicular surgery. According to Perez, the infection would not have spread if Zimmer and Locke had sent him to the hospital earlier.

In October 2019, Perez filed a second grievance (No. 336-10-19) because he had not yet received a response to the first grievance. He reasserted the facts from the prior grievance and contended that unidentified nurses failed to follow the post-op procedures for his surgery in July 2019. In the grievance, he also asked to be sent back to the hospital for further testicular surgery to ease his discomfort. This grievance was denied as untimely and duplicative of the first grievance, which was still pending review.

In December 2019, Perez filed a third grievance (No. 169-12-19) reiterating his prior complaints. He further asserted that he began experiencing more stomach pain and frequent defecation in November 2019. Nurse Practitioner Moldenhauer (whose first name does not appear in the record) and Dr. Mohammed Siddiqui adjusted his medications, but the symptoms continued. This grievance was also denied as untimely and duplicative of the first grievance, which remained under review.

Perez appealed the denials of the latter two grievances to the Administrative Review Board, which affirmed both denials in February 2020. Around the same time—over six months after he submitted the grievance—Perez’s first grievance (No. 347-7-19) was denied based on the results of an investigation by the healthcare unit. On February 24, 2020, Perez appealed that denial to the Board, which affirmed on September 22, 2020.

Two months earlier, on July 27, 2020, Perez brought this deliberate-indifference suit, alleging that the individual providers and Wexford Health Sources (the company that contracted with the Illinois Department of Corrections to provide medical care to prisoners) denied him effective treatment in violation of his rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. His factual allegations were consistent with the events described in his grievances, with three additional allegations relevant here: (1) Siddiqui and Dr. Stephen Ritz denied him further testicular surgery when he was experiencing discomfort after his testicular surgery in July 2019; (2) Siddiqui failed to treat Perez's testicular pain at the end of 2019; and (3) Wexford maintained a practice or policy of denying care to cut costs and delaying care by understaffing medical providers at Menard.

The district court screened the complaint under 28 U.S.C. § 1915A and allowed four of the eight claims it identified to proceed: Count 2 against Locke and Zimmer for their ineffective responses to Perez's abdominal pain in June 2019; Count 3 against Siddiqui and Ritz for denying follow-up testicular surgery; Count 5 against Siddiqui for failing to effectively treat continued abdominal and testicular pain in November and December 2019; and Count 7 against Wexford Health Sources for its practice of denying and delaying treatment, resulting in the delayed care of Perez's ruptured appendix and denial of follow-up testicular surgery.¹

The defendants moved for summary judgment for failure to exhaust administrative remedies, as required under the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e(a). The defendants argued that Perez failed to exhaust any grievance concerning Count 2 against Zimmer and Locke and failed to file any grievance concerning Counts 3, 5, and 7 against Ritz, Siddiqui, and Wexford.

After concluding that Perez failed to exhaust his administrative remedies as to Zimmer, Locke, Ritz, and Wexford (Counts 2, 3, and 7), the district court granted summary judgment to these defendants and dismissed these claims without prejudice. Specifically, it determined that Perez's allegations against Zimmer and Locke (Count 2) were unexhausted because Perez filed this lawsuit before the Administrative Review Board's six-month period to review his appeal of Grievance No. 347-7-19 expired. The court also decided that Perez's allegations about follow-up testicular surgery against

¹ The court initially allowed Perez to proceed on Count 1 against two John Doe correctional officers but later dismissed the claim after Perez failed to substitute named defendants by the court's deadline. He does not challenge that decision.

Ritz and Siddiqui (Count 3) and his allegations against Wexford (Count 7) were unexhausted because none of the three grievances gave the prison a fair opportunity to address his complaints.

For Perez's remaining allegations against Siddiqui (Count 5), the court concluded that Grievance No. 169-12-19 was timely submitted at all levels and fully exhausted. The court therefore denied Siddiqui summary judgment on the allegation that Siddiqui did not treat Perez's abdominal pain. But because the grievance did not cover treatment of his testicular pain, the court entered summary judgment on that allegation. Siddiqui later moved for summary judgment on the merits of Count 5, which the court granted because Perez failed to submit any evidence that Siddiqui denied him requested treatment.²

On appeal, Perez first challenges aspects of the district court's screening order, which we review de novo, accepting the complaint's factual allegations as true. *Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020).

Perez argues that the court should have allowed him to proceed on Count 8 against two grievance counselors for violating his due-process rights when reviewing his grievances. But this argument is a non-starter because "the alleged mishandling of ... grievances by persons who otherwise did not cause or participate in the underlying conduct states no claim." *Owens v. Hinsley*, 635 F.3d 950, 953 (7th Cir. 2011).

Perez also contends that the district court erred by failing to identify a claim against Moldenhauer. Although Perez mentioned Moldenhauer in his factual allegations, his complaint did not list Moldenhauer as a defendant or seek relief against him. Pro se complaints must be construed liberally at screening, *see Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015), but we cannot fault the court for failing to identify a claim against Moldenhauer when Perez did not name him as a defendant.

Perez next challenges the district court's entry of summary judgment on the remaining claims for failure to exhaust his administrative remedies, which we review de novo. *See Dole v. Chandler*, 438 F.3d 804, 809 (7th Cir. 2006). We take a strict compliance approach to exhaustion under the PLRA. *Id.*

² Perez's opening brief does not challenge the district court's grant of summary judgment on the merits of Count 5, so any argument against that decision is waived. *See Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023).

Regarding Count 2, Perez argues that the district court wrongly decided that his lawsuit was premature because prison officials delayed their response to Grievance No. 347-7-19 by several months. But the state's two-month period to respond to grievances applies only "when reasonably feasible." 20 ILL. ADMIN. CODE § 504.830(e); *see Ford v. Johnson*, 362 F.3d 395, 400 (7th Cir. 2004) (six-month delay acceptable to resolve complex grievance). And in any event, Perez in fact received a first-level response and appealed it to the Administrative Review Board before he filed this suit. *Cf. Reid v. Balota*, 962 F.3d 325, 331 (7th Cir. 2020) (holding prisoner could commence lawsuit where prison officials never responded to grievance). Accordingly, to fully exhaust his remedies, he needed to wait out the Board's six-month period to respond to his appeal. *See* 20 ILL. ADMIN. CODE § 504.850(e); *Ford*, 362 F.3d at 398. Because he only waited five months, this grievance was unexhausted.

Perez alternatively argues that the two subsequent grievances are sufficient to exhaust Count 2 because he reasserted his complaints against Zimmer and Locke. But these October and December grievances were filed well beyond 60 days after the underlying care from Zimmer and Locke, *see* 20 ILL. ADMIN. CODE § 504.810(a), so they cannot exhaust Count 2 either.

Next, regarding Count 3, Perez argues that the district court should not have faulted him for failing to name Ritz or Siddiqui in Grievance No. 336-10-19 because he did not know at the time who was responsible for approving surgeries. Perez is correct that prisoners do not necessarily have to name all future defendants in their grievances. *See Maddox v. Love*, 655 F.3d 709, 722 (7th Cir. 2011). Rather, the key question is whether the prisoner gave prison officials a fair opportunity to address the complaint. *Id.* But here Perez failed to grieve that he asked anyone for additional surgery. True, in Grievance No. 336-10-19 he sought surgery as a form of relief, but he did not complain about any doctor having already denied it. The district court therefore correctly concluded that none of Perez's grievances gave the prison an opportunity to respond to his claim that doctors denied him corrective surgery, as was required to exhaust.

Next, regarding Count 5, Perez argues that the district court erred by finding Grievance No. 169-12-19 did not concern Siddiqui's ineffective treatment of Perez's testicle even though the grievance officer found it duplicative of prior grievances (which described testicular pain). But Count 5 specifically concerns treatment decisions made by Siddiqui in November and December 2019. Although prior grievances described testicular pain, those grievances concerned treatment by Zimmer and Locke in June 2019 and treatment by unspecified nurses in July 2019. Accordingly, no

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grievance was sufficient to give the prison an opportunity to address his complaint against Siddiqui for the treatment of testicular pain in the relevant period.

Finally, Perez argues that the district court erred by finding Count 7 unexhausted because prison policies contain no guidance about how to file a grievance against Wexford. As with any other defendant, Perez did not necessarily have to name Wexford in a grievance to exhaust this claim. *See Maddox*, 655 F.3d at 722. But this claim depends on the underlying allegations that Perez's treatment for his ruptured appendix in June 2019 was delayed and that his follow-up testicular surgery was denied. For the reasons we have already explained, Perez failed to exhaust claims related to his appendix care and failed to grieve claims related to the denial of testicular surgery.

We have reviewed Perez's remaining arguments, and none has merit.

AFFIRMED