

NONPRECEDENTIAL DISPOSITION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 June 12, 2025*

Decided June 13, 2025

BeforeDIANE S. SYKES, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-1859

LORENZO KYLES,
*Plaintiff-Appellant,**v.*STEVE MOHR,
*Defendant-Appellee.*Appeal from the United States District
Court for the Western District of
Wisconsin.

No. 22-cv-479-wmc

William M. Conley,
*Judge.***ORDER**

Lorenzo Kyles, a Wisconsin prisoner, appeals the judgment dismissing his suit against a prison chaplain who, he alleges, refused to accommodate his need to receive meals after a religious fast, in violation of his constitutional rights. Because the

* The appellee was not served with process and is not participating in this appeal. We have agreed to decide the case without oral argument because the brief 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).

chaplain's actions, as alleged by Kyles, did not amount to a deliberate violation of a constitutional right, we affirm the judgment.

We accept as true the well-pleaded facts alleged in Kyles's complaint. *Balle v. Kennedy*, 73 F.4th 545, 557 (7th Cir. 2023). Kyles is a practicing Jew who observes Tisha B'Av, a day of fasting. The fast requires participants to abstain from eating and drinking from sunset one day to sunset the next. In the summer of 2022, Kyles was housed at Stanley Correctional Institution. The prison had a policy that allowed prisoners who were observing religious fasts to receive meals outside of ordinary dining hours if they submitted a request at least 60 days in advance. The prison's chaplain, Steve Mohr, managed these requests and was responsible for communicating them to the prison's kitchen no later than 45 days before the religious holiday. Mohr had a practice of logging requests for meal accommodations into a computer database that generated reminders for him to notify the kitchen of the participants. In each of the four preceding years for the Tisha B'Av fast, Mohr relayed Kyles's meal requests to the kitchen, and each time Kyles received a meal bag at sunset on the holiday's second night.

In 2022, Kyles submitted a timely request for meal accommodations to observe the Tisha B'Av fast. Mohr confirmed in writing that he had received the request and added Kyles's name to the list of prisoners observing the fast. During the holiday, Kyles skipped all regular meals. But when he asked for the meal bag on the second night after sunset, he was told by a "Sergeant Gregory" that none was in his name. Forced to break his fast with only water, Kyles suffered from severe hunger pains, headaches, and exhaustion that caused him to miss the next morning's prayer session. By the time Kyles ate breakfast at the regular morning mealtime, he had gone 36 hours without food.

Kyles asked the kitchen staff why they had not set aside a meal bag for him and was told that Mohr never instructed them to do so. Kyles then asked Mohr why the kitchen never received his request. Mohr wrote back that "this clearly was due to chaplain error" and apologized for failing to relay the request to the kitchen—an "oversight which precluded an opportunity to observe [the] religious rite." Kyles submitted a grievance about the missed meal bag, an occurrence that the prison's warden agreed should not have happened. According to Kyles, Mohr favored Christian prisoners and generally acted "disingenuous" toward Jews and Muslims.

Kyles then sued Mohr under 42 U.S.C. § 1983, asserting in his operative complaint that Mohr forced him to go 36 hours without food and hindered his observance of Tisha B'Av, in violation of his free exercise rights under the First

Amendment as well as his rights under the Eighth Amendment. (Kyles also asserted but later abandoned a claim under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1.) Kyles sought only monetary damages.

The district judge screened Kyles's complaint under 28 U.S.C. § 1915A and dismissed it for failure to state a claim. For the Eighth Amendment claim, the judge determined that Kyles failed to allege facts suggesting that Mohr knew Kyles did not receive a meal bag after the fast. As to the free-exercise claim, the judge concluded that Kyles had not alleged that Mohr intended to deprive Kyles of a meal bag—indeed, Kyles said that Mohr conceded his oversight and apologized for it—and a free-exercise claim required more than negligent conduct.

Kyles moved for reconsideration, reprising many of the same arguments. For the first time, he also asked to add as a defendant Sergeant Gregory, who, Kyles said, should have offered him one of the spare meal trays kept by the kitchen. The judge denied the motion, and Kyles appeals.

With regard to his First Amendment claim, Kyles challenges the district judge's conclusion that the facts alleged in his complaint suggest only negligence on Mohr's part. Based on the reminders that Mohr received to communicate the meal request to the kitchen, Kyles insists that Mohr's conduct suggests something more deliberate than negligence. He cites *Thompson v. Holm*, 809 F.3d 376, 379–80 (7th Cir. 2016), another free-exercise case involving meal bags that were withheld after a prisoner's fast. In that case, we vacated a summary judgment for prison staff because fact issues existed over, among other things, whether staff members acted intentionally. *Id.* at 380–81.

Prisoners generally retain their right under the First Amendment to practice their religion unless prison officials can demonstrate that a restriction on that right is reasonably related to a legitimate penological interest. See *Turner v. Safley*, 482 U.S. 78, 89 (1987). Prison officials can be held liable if they “consciously refuse[]” to accommodate religious exercise. *Kaufman v. Pugh*, 733 F.3d 692, 699–700 (7th Cir. 2013). But merely negligent conduct is not enough to sustain a constitutional claim under § 1983. See *Daniels v. Williams*, 474 U.S. 327, 330–31 (1986).

We agree with the district judge that Kyles cannot state a claim against Mohr under the First Amendment. Kyles's allegations do not support the conclusion that the denial of a meal bag arose from anything other than negligence by Mohr. In fact, Kyles acknowledges that for years Mohr had successfully processed similar requests, and that on this occasion he thoroughly apologized after realizing the mistake and the effect it

had on Kyles's religious practice. Like the district judge, we believe that the only reasonable inference to draw from the alleged circumstances is that Mohr, at most, negligently failed to notify kitchen staff members that Kyles needed a meal bag after the fast. And to the extent Kyles relies on our prior decision in *Thompson*, that case is distinguishable. There, we held that a jury could conclude that a prison guard engaged in intentional misconduct because evidence in the record suggested that he fabricated a charge of theft of a meal bag. "If [the guard] lied about the theft," we wrote, "his dishonesty can imply that he is guilty of intentionally withholding the [meal] bag." 809 F.3d at 381. Kyles cannot plausibly raise any such charge of willful misconduct against Mohr.

As for his Eighth Amendment claim, Kyles argues that the district judge ignored a key allegation from his complaint. Kyles insists that Mohr—having annually processed his requests for meal accommodations during the Tisha B'Av fast—was aware of the length of time he would be without food and must have acted with deliberate indifference in 2022 by disregarding the computer-generated reminders to inform the kitchen of his need for a meal bag. But to state an Eighth Amendment claim, Kyles had to allege facts indicating that Mohr knew of but consciously disregarded a substantial risk of severe harm. *Farmer v. Brennan*, 511 U.S. 825, 837–38 (1994); *Pyles v. Fahim*, 771 F.3d 403, 409 (7th Cir. 2014). That Mohr had previously processed Kyles's meal requests (or for that matter, received some computer reminders) does not support an inference that Mohr acted deliberately to withhold food or to expose Kyles to the risk of serious harm.

Finally, Kyles challenges the denial of his motion for reconsideration, in which he sought to amend his complaint to add Sergeant Gregory as a defendant. Kyles asserts that the district judge abused his discretion by denying the motion because Kyles's claims against the prison guard were not futile. But Kyles misses the crux of the issue. It was not an abuse of discretion for the judge to deny the motion where Kyles did not proffer the amended complaint with the motion and he could have included Sergeant Gregory as a defendant in one of his earlier complaints. See *Fannon v. Guidant Corp.*, 583 F.3d 995, 1002 (7th Cir. 2009).

AFFIRMED