

NONPRECEDENTIAL DISPOSITION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 26, 2026*

Decided June 5, 2026

BeforeAMY J. ST. EVE, *Circuit Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 25-1172

ANTHONY D. COMPTON, JR.,
*Plaintiff-Appellant,**v.*JOSHUA TOLER,
*Defendant-Appellee.*Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 2:22-cv-00497-PP

Pamela Pepper,
*Chief Judge.***ORDER**

Anthony Compton, a Wisconsin prisoner, contends that a correctional officer, Joshua Toler, violated the Eighth Amendment by pressing a finger between Compton's buttocks while escorting him to the shower. *See* 42 U.S.C. § 1983. The district court

* 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).

granted Toler's motion for summary judgment, reasoning that a video of the escort conclusively refuted Compton's allegations. We affirm.

We construe the evidence in the light most favorable to Compton as the nonmoving party. *See Walton v. Nehls*, 135 F.4th 1070, 1077 (7th Cir. 2025). But when the parties tell conflicting stories and video evidence "blatantly contradict[s]" one party's allegations, we do not adopt that party's version of the facts at summary judgment. *Scott v. Harris*, 550 U.S. 372, 380 (2007).

Compton is an inmate at Oshkosh Correctional Institution. At the time of the events giving rise to his complaint, Compton was in the Restrictive Housing Unit. When an inmate in this unit leaves his cell, a corrections officer must escort him using handcuffs and a waist belt. A waist belt is a restraint consisting of a vinyl wrap over a person's midsection that connects to handcuffs in the front. While escorting an inmate using a waist belt, the corrections officer must keep his hand on the waist belt.

In February 2021, Toler escorted Compton to the shower. Toler wrapped a waist belt around Compton's midsection, over his shirt. Toler used his blue-gloved hand to hold the belt while Compton walked. When Compton reached the shower room, Toler removed the belt. Compton says that when Toler grabbed the waist belt to escort him, Toler pressed his finger "in Compton's butt-crack,"[†] over his shirt, and left it there "for the duration of the escort." He alleged that Toler did this to humiliate him, and that staff members and inmates have since ridiculed him because of the incident.

Compton sued Toler. He argued that Toler sexually assaulted him in violation of the Eighth Amendment by intentionally placing a finger in Compton's intergluteal cleft to humiliate him. *See* 42 U.S.C. § 1983. Compton also alleged that Toler and four other officers retaliated against him in violation of the First Amendment. The district court dismissed those claims because Compton failed to exhaust them, and he does not challenge that ruling on appeal.

Toler moved for summary judgment, attaching surveillance video of the escort. Toler argued that the video refuted Compton's allegations because it showed Toler's blue-gloved hand at the waist belt on Compton's back and not his buttocks. Further, Toler asserted that the video showed that he did not move his hand down toward Compton's buttocks. Compton countered that the video showed the belt at the top of

[†] Going forward, we will refer to this part of the anatomy as the "intergluteal cleft." *See Intergluteal Cleft*, Stedman's Medical Dictionary 181390 (Westlaw 2014).

his buttocks, and that the video quality was poor and did not conclusively refute his allegation that Toler pressed his finger in Compton's intergluteal cleft.

The district court concluded that the video refuted Compton's version of the events. The court found that the video contradicted Compton's assertion that Toler's finger went in Compton's intergluteal cleft. The court concluded that neither Toler's hand nor the waist belt moved during the escort, and that the waist belt was not placed low enough on Compton's body to allow Toler to reach Compton's intergluteal cleft. And, even if the belt was low enough, the court reasoned that the record contained no evidence that Toler purposefully touched Compton to humiliate him or to gratify himself.

On appeal, Compton argues that the video does not conclusively refute his allegations, and that an issue of material fact remains as to whether Toler placed his finger in Compton's intergluteal cleft. But we agree with the district court that the video contradicts Compton's allegations. Compton alleged that Toler placed his finger in Compton's intergluteal cleft when he first grabbed the waist belt and kept it there for the duration of the escort. But this allegation is plainly refuted by the video, which shows Toler's hand physically distant from Compton's buttocks at the beginning of the escort. After he places the waistbelt on Compton, Toler's hand remains on the waistbelt, which is midway up Compton's back. Toler's hand is angled from the left, leaving the intergluteal cleft beyond the reach of his fingers. Toler's hand is visible throughout the entire escort and does not move from the waistbelt. Because no reasonable juror who viewed the video could credit Compton's version of events, his claim fails. *See Scott*, 550 U.S. at 380.

Compton also argues that the district court abused its discretion by denying him leave to file a sur-reply brief because doing so denied him a full opportunity to oppose summary judgment. But the court reasonably determined that Toler's brief did not raise anything new, and so Compton was not entitled to a response. *See Physicians Healthsource, Inc. v. A-S Medication Sols., LLC*, 950 F.3d 959, 969 (7th Cir. 2020).

Finally, Compton maintains that the district court improperly denied his requests to conduct additional discovery. He sought to depose his doctor and two prison staff members who were involved in the investigation of his allegations. Compton explained that his doctor could serve as an expert witness to provide a description of Compton's anatomy to support his assertion that Toler's hand was on his buttocks. But district courts have broad authority to decide the proper scope of discovery, and we see no abuse of discretion here. *See Alicea v. County of Cook*, 88 F.4th

No. 25-1172

Page 4

1209, 1218 (7th Cir. 2023). The district court reasonably concluded that Compton could speak to his anatomy in a declaration, and that instead of deposing the individuals involved in dismissing Compton's prison complaint, he could attach the associated documents and argue why it was relevant to his current claim against Toler.

AFFIRMED

JACKSON-AKIWUMI, *Circuit Judge*, dissenting in part. I join my colleagues in affirming the denial of Compton's requests to file a sur-reply brief and conduct additional discovery. But I depart from the disposition of Compton's Eighth Amendment claim. "[V]ideos that are 'unclear, incomplete, and fairly open to varying interpretations' cannot resolve evidentiary matters short of trial." *Pam v. City of Evansville*, 154 F.4th 523, 529 (7th Cir. 2025) (quoting *Horton v. Pobjecky*, 883 F.3d 941, 944 (7th Cir. 2018)). The video here—distant, blurry, and generally of low quality—fits the bill. In the video, the waist belt and Toler's hand appear low enough that a reasonable jury could credit Compton's version of events. The waist belt appears even lower on Compton's body at the end of the escort than at the beginning of the escort. Moreover, because the exact contours of Toler's hand are impossible to discern from the video, it does not conclusively refute Compton's allegation that Toler subtly pressed a finger over Compton's shirt and into the crack of his buttocks. In all, the video does not "blatantly contradict" Compton's version of the events so as to defeat his claim at summary judgment. *Scott v. Harris*, 550 U.S. 372, 380 (2007). Mindful of our past warnings that video evidence is "not infallible," *Mendez v. City of Chicago*, 160 F.4th 888, 892 (7th Cir. 2025), and our charge to construe the record in the light most favorable to Compton as the non-movant, I respectfully dissent in part.