

NONPRECEDENTIAL DISPOSITION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 May 26, 2026

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

No. 25-2500

CHRISTOPHER D. SMITH,
*Plaintiff-Appellant,**v.*MICHAEL MEISNER, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 23-C-863

Lynn Adelman,
*Judge.***ORDER**

Christopher Smith, a Wisconsin prisoner, appeals the district court's summary judgment rejecting his claim that prison officials failed to adequately evaluate him after testing positive for COVID-19, in violation of his Eighth Amendment rights. We affirm.

* 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).

We construe the facts and draw all reasonable inferences in favor of Smith, the nonmovant. *See Balle v. Kennedy*, 73 F.4th 545, 553 (7th Cir. 2023). In December 2022, Smith submitted a health-services request complaining of body aches and coughing. Two days later, he tested positive for COVID-19 and was placed in medical isolation. The next day, he submitted an “information request” to Lieutenant Mark Draves complaining that he had not yet been evaluated by medical staff. In his declaration, Draves claims that Smith’s request was accidentally sent to the prison’s business office, and that he never received it.

Over the next ten days, Smith, still in medical isolation, sent information requests to Deputy Warden Bradley Mlodzik, Health Services Manager Candace Whitman, and Warden Michael Meisner, asking for the prison’s protocol for evaluating prisoners in medical isolation. Mlodzik and Meisner, through declarations, assert that they never received the requests because the documents had been accidentally forwarded to the prison’s business office. Whitman, however, did respond to Smith’s requests and informed him that a request for a copy of the prison’s medical-isolation protocol needed to be submitted to the Wisconsin Department of Corrections in an open-records request.

Once released from medical isolation, Smith learned that prison protocol directed that he be evaluated by medical staff every two to three days. He then filed a grievance complaining that, while in medical isolation, he had not been regularly examined by medical staff. The prison’s complaint examiner granted Smith’s grievance, finding that medical staff failed to evaluate him as he had said. Whitman, in her declaration, denies knowing about irregularities in the medical-isolation evaluation process until Smith filed his grievance. Whitman says that she responded by addressing staff at a meeting, where she discussed how to avoid future errors in following prison protocol.

Smith then filed this lawsuit in state court, asserting that prison officials failed to provide him with adequate medical care while he was in medical isolation, in violation of his rights under the Eighth Amendment. *See* 42 U.S.C. § 1983. He also brought a state-law negligence claim.

The defendants removed the case to federal court. Further proceedings ensued, and the defendants eventually moved for summary judgment on the Eighth Amendment claim.

The district court granted the motion, concluding that no reasonable juror could find that the defendants were aware that Smith was not receiving regular medical

evaluations while in isolation. The district court determined that Smith's information and healthcare requests did not put the defendants on notice of any substantial risk to his health because the requests sought only information regarding the prison's COVID-19 protocols—not medical care. The court also alluded to evidence from which a reasonable factfinder could conclude that the defendants were not made aware that Smith was not receiving regular medical evaluations until after he had been transferred out of isolation. Separately, the court dismissed Smith's state-law negligence claim because he did not strictly comply with Wisconsin's notice of claim statute—he mailed his notice of claim to the Wisconsin Attorney General via first-class mail, and the statute requires mailing by certified mail. *See* WIS. STAT. § 893.82(5).

On appeal, Smith challenges the district court's determination that the defendants did not have notice that he was not receiving regular medical evaluations, in violation of the prison's policy. He maintains that his information requests and grievance were sufficient for a reasonable factfinder to infer that defendants knew about and disregarded a substantial risk of serious harm to his health.

But to establish deliberate indifference, Smith must provide evidence that the defendants knew of and disregarded an excessive risk to Smith's health and safety. *See Farmer v. Brennan*, 511 U.S. 825, 837 (1994). And even if the defendants' conduct was negligent, no reasonable factfinder could conclude that the defendants violated Smith's constitutional rights because there was no evidence that they were aware that Smith was not being regularly evaluated while in medical isolation. He filed his grievance two weeks after he had been moved out of isolation, so this grievance could not have put the defendants on notice that Smith was not being regularly evaluated while in isolation. Further, Smith's information requests did not state that he was experiencing COVID-19 symptoms or any adverse side effects, so these requests too could not have alerted the defendants to any substantial risk to his health. In his requests, he asked only for copies of the medical isolation protocols and stated only generally that he was not being regularly evaluated by medical staff, in violation of the prison's protocol. But a violation of a prison's protocol or regulations does not alone establish a constitutional violation. *See Williams v. Shah*, 927 F.3d 476, 479 n.1 (7th Cir. 2019).

With regard to the dismissal of his state-law negligence claim, Smith maintains that the sending of his notice of claim to the Attorney General by first-class mail should have been sufficient for service. But Wisconsin's notice-of-claim statute requires Smith to serve the Attorney General by certified mail, not first-class mail. *See Sorenson v. Batchelder*, 885 N.W.2d 362, 367 (Wis. 2016) (discussing WIS. STAT. § 893.82(5)). And the

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district court could not excuse Smith's failure to serve the Attorney General by certified mail because the notice requirement is jurisdictional and requires strict compliance. *See Badger Catholic, Inc. v. Walsh*, 620 F.3d 775, 782 (7th Cir. 2010); *see also Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021).

We have considered Smith's other arguments, and none merits discussion.

AFFIRMED