

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

James R. Washington v. Michael Dittmann, Sue Novak, Larry Fuchs,
and Trish Anderson

No. 23-cv-344-wmc (W.D. Wis. Feb. 9, 2026) · No. 23-cv-344-wmc · Decided February 9, 2026

SUMMARY

The Western District of Wisconsin granted summary judgment to prison officials in James R. Washington’s Eighth Amendment claims concerning alleged restrictions on exercise and recreation time caused by law-library access. The court held that the evidence did not show a sufficiently serious deprivation of exercise or deliberate indifference to a substantial health risk, and that the wardens were alternatively entitled to qualified immunity. The court also granted summary judgment to Nurse Trish Anderson, finding that her removal of an unsupported medical restriction did not establish deliberate indifference.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 9, 2026
DOCKET	23-cv-344-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's Eighth Amendment prisoner civil-rights claims were before the district court on defendants' motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the facts and reasonable inferences in the light most favorable to plaintiff, but required him to identify admissible evidence supporting a genuine triable dispute.
PRECEDENTIAL VALUE	unpublished and nonprecedential federal district court opinion

TOPICS

- prisoners rights
- cruel and unusual punishment
- qualified immunity
- summary judgment
- civil rights

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

summary judgment

qualified immunity

QUESTIONS PRESENTED

1. Whether the wardens' enforcement of CCI's recreation and library scheduling policies deprived Washington of exercise sufficiently significant to threaten his health in violation of the Eighth Amendment.
2. Whether the wardens acted with deliberate indifference to a substantial risk to Washington's health.
3. Whether Nurse Anderson acted with deliberate indifference by discontinuing a medical restriction that lacked a supporting prescriber's order.
4. Whether the wardens were entitled to qualified immunity because no clearly established law prohibited their conduct.

HOLDINGS

1. The wardens were entitled to summary judgment because the evidence would not permit a reasonable trier of fact to find that Washington's movement or exercise was restricted so severely as to threaten his health.
2. Washington failed to produce evidence from which a reasonable jury could find that the wardens knew of and disregarded a substantial risk to his health.
3. The wardens were independently entitled to qualified immunity because Washington identified no clearly established Supreme Court or controlling Seventh Circuit precedent establishing a right to more recreation time in order to obtain additional library passes.
4. Nurse Anderson was entitled to summary judgment because the undisputed evidence showed that she discontinued the July 5, 2017 restriction only after determining that no supporting prescriber's order existed, while the May 31, 2017 restriction remained in place.

KEY QUOTATIONS

“A deprivation of exercise that prison officials expect will likely result in severe health problems may violate the Eighth Amendment, unless the deprivation is proportionate to a legitimate penological purpose.”

“Lack of exercise may rise to a constitutional violation in extreme and prolonged situations where movement is denied to the point that the inmate's health is threatened.”

“It's clear that evidence of medical negligence is not enough to prove deliberate indifference[,] and even “a mistake in professional judgment cannot be deliberate indifference.”

FACTUAL BACKGROUND

Washington was incarcerated at Columbia Correctional Institution, where defendants served as wardens or a nurse during the relevant periods. CCI generally provided at least four hours of weekly leisure activity, including recreation, and separately scheduled regular library time, although pandemic scheduling sometimes required

inmates to choose between recreation and the library. Washington regularly sought additional library time to meet court deadlines and contended that doing so caused him to forgo exercise, but the record showed that he had opportunities for physical activity in and outside his cell and that medical providers did not order a specific amount of exercise beyond a May 2017 order allowing exercise on alternate days. Nurse Anderson discontinued one later-entered restriction because she could not locate a supporting prescriber's order, while the May 2017 restriction remained in effect.

PROCEDURAL HISTORY

James Washington proceeded pro se on claims that three wardens and a nurse at Columbia Correctional Institution subjected him to inhumane conditions of confinement and acted with deliberate indifference to a substantial risk to his health by requiring him to choose between recreation and additional law-library time. Defendants moved for summary judgment. The court granted the motion, directed entry of judgment for defendants, and ordered the case closed.

DISPOSITION

other

CASES CITED

- Miller v. Gonzalez, 761 F.3d 822, 877 (7th Cir. 2014)
- Trade Fin. Partners, LLC v. AAR Corp., 573 F.3d 401, 406-07 (7th Cir. 2009)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 255-57, 261 (1986)
- Anderson v. Hardman, 241 F.3d 544, 545 (7th Cir. 2001)
- Johnson v. Cambridge Indus. Inc., 325 F.3d 892, 901 (7th Cir. 2003)
- Prude v. Meli, 76 F.4th 648, 661 (7th Cir. 2023)
- Gorbitz v. Corvilla, Inc., 196 F.3d 879, 882 (7th Cir. 1999)
- Farmer v. Brennan, 511 U.S. 825, 828, 832 (1994)
- Henderson v. Sheahan, 196 F.3d 839, 844-45 (7th Cir. 1999)
- Pyles v. Spiller, 708 F. App'x 279, 281 (7th Cir. 2017)
- Turley v. Rednour, 729 F.3d 645, 652 (7th Cir. 2013)
- Delaney v. DeTella, 256 F.3d 679, 683-84 (7th Cir. 2001)
- Anderson v. Romero, 72 F.3d 518, 528 (7th Cir. 1995)
- Smith v. Dart, 803 F.3d 304, 313 (7th Cir. 2015)
- French v. Owens, 777 F.2d 1250, 1255 (7th Cir. 1985)
- Antonelli v. Sheahan, 81 F.3d 1422, 1432 (7th Cir. 1996)
- Gross v. Boughton, No. 16-cv-759-wmc, 2019 WL 6728273, at *9 (W.D. Wis. Dec. 11, 2019)
- Martin v. Davies, 917 F.2d 336, 338, 340 (7th Cir. 1990)
- Tousis v. Billiot, 84 F.4th 692, 698 (7th Cir. 2023)
- Stockton v. Milwaukee County, 44 F.4th 605, 620-21 (7th Cir. 2022)

- Whiting v. Wexford Sources, Inc., 839 F.3d 658, 662 (7th Cir. 2016)
- Estate of Clark v. Walker, 865 F.3d 544, 551-51 (7th Cir. 2017)

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