

NONPRECEDENTIAL DISPOSITION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 September 18, 2023*

Decided September 20, 2023

Before

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-1202

JONATHAN JUDKINS,
Plaintiff-Appellant,

v.

KELLY PIERCE, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Illinois.

No. 21-288-SPM

Stephen P. McGlynn,
Judge.

ORDER

Jonathan Judkins, an Illinois prisoner, appeals the judgment dismissing his civil rights action against several officials at his former prison. The district court, after dismissing two prior versions of Judkins's complaint for failure to state a claim,

* The Appellees were not served with process and are 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).

ultimately dismissed the case for failure to prosecute. *See* FED. R. CIV. P. 41(b). We affirm.

Judkins, currently held at Hill Correctional Center in Galesburg, Illinois, brought this action for alleged violations of his constitutional rights while he was confined between 2018 and 2019 at Menard Correctional Center in Menard, Illinois. *See* 42 U.S.C. § 1983. Specifically, he alleged that officials who presided over his disciplinary proceedings for an infraction violated his due process rights by failing to consider exculpatory evidence (phone records and witness testimony) or give him adequate notice of the charge. He also alleged that an official fabricated the disciplinary report and that Kelly Pierce, a grievance officer who had reviewed his grievance about the disciplinary hearing, failed to properly investigate his complaint.

The district court screened the complaint, *see* 28 U.S.C. § 1915A, and dismissed it without prejudice for failure to state a claim. The court concluded that Judkins failed to state a due process claim under the Fourteenth Amendment because the discipline he apparently received—six months each of disciplinary segregation, demotion to C-grade status, and restrictions of his commissary and contact-visit privileges—did not implicate a protected liberty interest. Relatedly, the court dismissed Judkins’s claim about the false disciplinary report because he did not allege that the report led to the deprivation of a protected interest. To the extent Judkins believed he might be able to show that the conditions of his segregation were atypical and imposed a significant hardship, the court invited him to amend his complaint with additional information about the segregation conditions. With regard to his claim against Pierce, the court ruled that any mishandling of his grievance did not implicate a constitutional right.

Judkins then filed an amended complaint, which—as relevant to this appeal—renewed his earlier claims, elaborated upon allegations against Pierce, and introduced new allegations that the guard had issued him a false disciplinary ticket in retaliation for an earlier grievance.

The district court concluded that Judkins’s amended complaint did not state a claim. The court explained that the amended complaint did not shed any more light on Judkins’s time in disciplinary segregation, that the additional allegations regarding Pierce largely were conclusory in nature and did not allege that she was personally involved in the alleged misconduct that gave rise to the grievance, and—with regard to the claim of retaliation—that the alleged events did not plausibly support a claim that the guard had fabricated the report in order to retaliate against Judkins. As for this latter ruling, the court, “out of an abundance of caution,” allowed Judkins to submit another

amended complaint to replead only his claim of retaliation. The court warned Judkins that his failure to file another amended complaint consistent with its instructions would result in the entire case being dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with its order or failure to prosecute.

Judkins's deadline for amending his complaint came and went, so the court dismissed the case with prejudice for failure to prosecute.

On appeal, Judkins continues to press a two-pronged due process argument arising out of his time at Menard. First, he maintains that the disciplinary report was fabricated and that many of the disciplinary procedures were flawed. But the district court correctly concluded that Judkins cannot state a due process claim about the disciplinary report and proceedings because he did not allege that he was deprived of a protected liberty interest. *See Lisle v. Welborn*, 933 F.3d 705, 720 (7th Cir. 2019). The sanctions he appears to have received—six months in segregation and six months' loss or restriction of privileges—do not, without more, implicate a protected liberty interest. *See Hardaway v. Meyerhoff*, 734 F.3d 740, 744 (7th Cir. 2013) (six-month disciplinary segregation alone); *Lekas v. Briley*, 405 F.3d 602, 605, 613 (7th Cir. 2005) (temporary loss of contact visitation and restricted commissary); *Whitford v. Boglino*, 63 F.3d 527, 533 n.7 (7th Cir. 1995) (six-month disciplinary segregation and demotion to C grade). Nor does Judkins argue that the combination of disciplinary measures deprived him of a protected liberty interest. *See Kervin v. Barnes*, 787 F.3d 833, 836 (7th Cir. 2015).

Second, Judkins argues that his due process rights were violated by the Menard grievance system (which he says is inadequate to redress his grievances) and Pierce's alleged mishandling of his grievance. But a state's grievance procedure does not give rise to an independent liberty interest protected by the due process clause, *see Antonelli v. Sheahan*, 81 F.3d 1422, 1430 (7th Cir. 1996), and Pierce, who simply reviewed his grievance about the disciplinary process, lacked personal involvement in the conduct that formed the basis of the grievance, *see Owens v. Evans*, 878 F.3d 559, 563 (7th Cir. 2017).

We have considered Judkins's other arguments; none merits discussion.

AFFIRMED