

NONPRECEDENTIAL DISPOSITION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 December 2, 2022*

Decided December 5, 2022

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 22-2361

JEFFREY ALLEN ROWE,
Plaintiff-Appellant,

v.

ASHLEY TAYLOR, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Southern District of Indiana,
Indianapolis Division.

No. 1:21-cv-02324-SEB-DML

Sarah Evans Barker,
District Judge.

ORDER

Jeffrey Rowe challenges the district court's dismissal of his complaint for failure to state a claim. In his complaint, Rowe asserted that prison officials retaliated against

* 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).

him for providing legal and financial assistance to another prisoner. The court ruled that Rowe failed to state a claim because his alleged conduct was not activity that was constitutionally protected. We affirm.

We accept the allegations in the complaint as true and draw all reasonable inferences in Rowe's favor. *Milchtein v. Milwaukee County*, 42 F.4th 814, 819 (7th Cir. 2022). The events in question took place while Rowe was incarcerated at the New Castle Correctional Facility in Henry County, Indiana. While at New Castle, Rowe helped another prisoner file and litigate a civil suit. Rowe also paid this prisoner's filing fee. A case-work manager had signed Rowe's request for remittance, showing that she approved the transaction. And Rowe had been assured by a library supervisor that he should be able to pay the filing fee without violating prison policy, as the payment was directed to a court rather than a prisoner.

About six months later, Rowe was written up for violating a policy regulating financial transactions between prisoners. Under the policy, prisoners must obtain prior written approval from the warden before engaging in "[f]inancial transactions between offenders," and specifically before "attempting or completing financial transactions, including the sending of monies from one offender to another." Inmate Trust Fund, Ind. Dep't of Corr. Policy & Administrative Procedures 04-01-104, § IX (effective December 1, 2018). Because he paid another prisoner's filing fee without the warden's approval, Rowe was found guilty of engaging in an unauthorized financial transaction and sanctioned with phone and commissary restrictions.

Rowe sued eighteen defendants for violating his civil rights. The court severed Rowe's claims into four actions. This appeal concerns Rowe's suit asserting due process and First Amendment retaliation claims. Rowe denied that he engaged in a financial transaction between "offenders," and he asserted that the defendants retaliated against him for providing legal and financial assistance to another prisoner. He also alleged that he lacked fair notice that he could be punished if he sent funds to a court on another prisoner's behalf.

The court screened the complaint and dismissed it for failure to state a claim. *See* 28 U.S.C. § 1915A(a), (b). The court explained that paying another prisoner's filing fee is not a constitutionally protected activity—a prerequisite for establishing a First Amendment retaliation claim—and that the imposed sanctions did not deprive Rowe of a protected liberty or property interest for purposes of due process. The court directed Rowe to show cause why judgment should not be entered against him.

In response, Rowe conceded that he could not state a due process claim but insisted that he had a First Amendment right to pay another prisoner's filing fee and to help him litigate his suit. He also pointed out that he had been told by prison officials that he was permitted to pay another prisoner's filing fee.

The court rejected these arguments and dismissed the action. The court reiterated that Rowe lacked a constitutionally protected right to financially support another prisoner's litigation. The court also clarified that Rowe's punishment flowed directly from his violating prison policy, not from providing legal assistance to another prisoner.

On appeal, Rowe challenges the district court's determination that he did not engage in any constitutionally protected activity to support a retaliation claim. One requirement for stating a retaliation claim is that a plaintiff allege that he engaged in constitutionally protected activity. *Gomez v. Randle*, 680 F.3d 859, 866 (7th Cir. 2012). Rowe maintains that he engaged in two examples of such activity — paying an inmate's filing fee and helping another inmate file and litigate a lawsuit.

But a prisoner's constitutional rights are more limited in scope than those held by a nonincarcerated individual, *Shaw v. Murphy*, 532 U.S. 223, 229 (2001), and we have found no legal authority to suggest that a prisoner has a constitutionally protected right to pay another prisoner's filing fees. Rowe, for that matter, does not point us toward any cases that state as much. We agree with the district court that this ground does not support a retaliation claim.

Rowe also contends that he adequately alleged constitutionally protected activity by asserting that he provided legal assistance to other prisoners. But prisoners do not have a constitutionally protected right to provide legal assistance to fellow inmates. *See id.* at 228, 231–32 (declining “to cloak the provision of legal assistance with any First Amendment protection above and beyond the protection normally accorded prisoners' speech”).

AFFIRMED