NONPRECEDENTIAL DISPOSITION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 March 28, 2023*
Decided April 3, 2023

Before

DIANE S. SYKES, *Chief Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 22-2679

DON COLLINS,
Plaintiff-Appellant,

v.

ROB JEFFREYS, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 20 C 6555

John Z. Lee,
Judge.

O R D E R

Don Collins, a former Illinois prisoner, appeals the dismissal of his complaint alleging that prison staff failed to protect him from an attack by another prisoner. At screening the district judge dismissed the complaint for failure to state a claim. Because

* 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 appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

Collins did not allege that any defendant knew the assailant was likely to target him, we affirm.

We accept Collins's allegations as true and draw all reasonable inferences in his favor. *See Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020). Collins is an older white man who was formerly incarcerated at the Joliet Treatment Center in Illinois. (Although Collins initiated this suit while incarcerated, he now is on parole.) Shortly after arriving at the prison, Collins was informed that a "known enemy" was in his dorm. Collins later moved to a different wing and was told by a defendant guard that he had two more unidentified enemies in the prison.

Soon thereafter, a prisoner Collins identifies as "C.W." attacked him in a common area, knocking him unconscious and breaking several teeth and facial bones. According to Collins, C.W. has a "well known history" of violence against prisoners who are older white men—though Collins does not specify who knew this or how.

Collins sued several prison officials for violating his Eighth Amendment rights by disregarding the substantial risk of harm that C.W. posed to him. *See* 42 U.S.C. § 1983. The judge screened Collins's complaint, *see* 28 U.S.C. § 1915A(a), and dismissed it without prejudice for failure to state a claim. Although prisoners can state a claim for the prison staff's failure to protect them from a prisoner known to target others with a particular characteristic (e.g., race), *Brown v. Budz*, 398 F.3d 904, 915 (7th Cir. 2005), the judge determined that Collins did not allege that any named defendant knew of C.W.'s propensity to attack older white men.

Collins amended his complaint but did so in such a disjointed, lengthy fashion that the judge could not determine whether any prison official may potentially be liable. The judge dismissed the amended complaint for failure to state a claim. But given the seriousness of the attack and Collins's demonstrated difficulty in articulating his claim, the judge recruited counsel for Collins. (The judge ultimately permitted counsel to withdraw after she represented that filing a second amended complaint would be inconsistent with Rule 11 of the Federal Rules of Civil Procedure.)

Collins filed his second amended complaint pro se. He added a new theory of deliberate indifference—that the prison failed to provide adequate mental-health care or to assess prisoners' security threats. The judge dismissed this complaint after determining that Collins still did not allege how any prison official knew about C.W.'s violent propensities. Having permitted Collins multiple opportunities to amend his

complaint, the judge determined that further amendment would be futile and directed that the dismissal be with prejudice.

On appeal Collins argues that the judge ignored an allegation that creates an inference that the defendants knew about C.W.'s propensity to attack older white inmates. According to Collins, information regarding C.W.'s likelihood to target him *could* have been in the database used by the prison to track security threats, and this information *could* have been accessed by the defendants. But these allegations merely say that the defendants potentially harmed Collins—not that they did—and allegations that are "merely consistent with" liability are insufficient to state a claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007)).

Next, Collins asserts that the judge should have inferred that prison staff knew of the substantial risk that C.W. posed to him, given his known "enemies." Collins, however, did not allege any ties between C.W. and these enemies. A substantial risk requires more than a generalized risk of harm. *Thomas v. Dart*, 39 F.4th 835, 843 (7th Cir. 2022); *see Brown*, 398 F.3d at 915. Collins's alleged risk of harm—the threat that Collins had unnamed enemies somewhere in the prison—is too generalized to state a claim.

Finally, Collins argues that the unsafe nature of his former prison—a correctional facility that lacks adequate mental-health services—put the defendants on notice that any prisoner was at risk of a violent attack from untreated prisoners. But as the judge appropriately concluded, a generalized risk of violence is insufficient to state a deliberate-indifference claim. *Thomas*, 39 F.4th at 843; *Weiss v. Cooley*, 230 F.3d 1027, 1032 (7th Cir. 2000).

AFFIRMED