

NONPRECEDENTIAL DISPOSITION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 October 16, 2023*
Decided October 17, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1398

JAMES E. WALKER,
Plaintiff-Appellant,

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

v.

No. 3:21-cv-01175-SMY

ROBIN ROWALD, et al.,
Defendants-Appellees.

Staci M. Yandle,
Judge.

ORDER

James Walker sued prison officials by alleging unrelated constitutional claims against different defendants. The district court severed Walker's suit into five cases. FED. R. CIV. P. 20(a)(2). This case concerns only Walker's claim that prison officials mishandled his grievances in violation of his First Amendment rights. Because the

* Appellees were not served with process and are not participating in this appeal. After examining the appellant's brief and the record, we have concluded that the case is appropriate for summary disposition. *See* FED. R. APP. P. 34(a)(2).

district court correctly ruled that the allegations did not state a violation of those rights, we affirm.

Walker initially alleged in this case that prison officials ignored his grievances, denied them, or delayed sending them to the prison's grievance board. The district court screened the complaint, *see* 28 U.S.C. § 1915A, and dismissed it without prejudice, explaining that the allegations were too vague to comply with Rule 8 of the Federal Rules of Civil Procedure. The court then allowed Walker to amend his complaint. In his amended complaint, Walker specified that the officials mishandled his grievances "in apparent retaliation to prevent timely exhaustion," leaving him "unable" to sue over "conditions of his confinement" and "deficiencies in his medical treatment."

The district court dismissed the amended complaint, this time with prejudice. It reasoned that Walker failed to state a claim that prison officials violated his First Amendment rights because nothing in his complaint plausibly suggested that prison officials prevented him from redressing his grievances in court. At most, the court explained, officials made administrative remedies unavailable to him, but Walker has no constitutional right to those remedies, and if they were unavailable to him, then he need not exhaust them before filing suit.

On appeal, Walker maintains that he stated a claim under the First Amendment because, by mishandling his grievances, the officers prevented him from suing in court. Walker has a First Amendment right to "petition the government for a redress of grievances," *Antonelli v. Sheahan*, 81 F.3d 1422, 1430 (7th Cir. 1996), but the officers' alleged mishandling of his grievances did not prevent him from exercising that right. If Walker can show that he could not exhaust administrative remedies because prison officials have not made them "available," then he is relieved of the duty to exhaust and may sue in court. *See* 42 U.S.C. § 1997e(a); *Ross v. Blake*, 578 U.S. 632, 644 (2016). Thus the officers did not violate his First Amendment right to petition the government. Likewise, because prisoners do not have a standalone constitutional right to an effective grievance procedure, the alleged mishandling of his grievances was not itself a constitutional violation. *See Grieverson v. Anderson*, 538 F.3d 763, 772 (7th Cir. 2008).

Walker raises two other, unavailing arguments. First, he contends that the district court should have allowed him to amend his complaint again, but the district court appropriately denied him that chance because it had already granted Walker an adequate opportunity to address the deficiencies in his pleadings. *See Always Towing & Recovery, Inc. v. City of Milwaukee*, 2 F.4th 695, 707 (7th Cir. 2021). Second, Walker argues

that the district court abused its discretion by not recruiting counsel for him. But Walker never asked the district court to recruit counsel for his grievance-mishandling allegations. True, the district court recruited counsel for Walker before severing his grievance-mishandling allegations into this new case in 2021. But because he never renewed a request for counsel in this separate case, it was reasonable for the district court not to recruit counsel here. *See Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc).

AFFIRMED