NONPRECEDENTIAL DISPOSITION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 May 10, 2024*
Decided May 10, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 23-2636

MARCUS WATSON,
Plaintiff-Appellant,

v.

D. SWARD, et al.,
Defendants-Appellees.

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

No. 23 C 50051

Iain D. Johnston,
Judge.

O R D E R

Marcus Watson, a federal prisoner, brought this lawsuit under *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), alleging that prison employees violated his constitutional rights. He asserts that one officer

* 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).

"forcefully slid his hand up the crack of [his] buttock area" during a search and others retaliated against him for filing a grievance by blocking its review. The district court screened his complaint, *see* 28 U.S.C. § 1915A, and dismissed the suit for failure to state a claim. It first construed Watson's complaint as attempting to raise claims under the Eighth Amendment for excessive force and sexual harassment, and the First Amendment for penalizing him for his grievance. Then it reasoned that, under *Ziglar v. Abbasi,* 582 U.S. 120 (2017) (limiting when federal courts may expand *Bivens* beyond its original context) and *Egbert v. Boule*, 596 U.S. 482 (2022) (no *Bivens* action for a federal official's alleged violation of First Amendment rights), Watson's constitutional claims were not permissible under *Bivens*.

Watson's appellate brief does not contain a discernible argument for disturbing the district court's decision. *See* FED. R. APP. P. 28(a)(8). He repeats the factual assertions contained in his complaint and cites cases brought under 42 U.S.C. § 1983 to suggest that § 1983 authorizes this suit. But he has sued federal officers to recover for alleged violations of his constitutional rights. Thus only the theory underlying *Bivens*—which in limited contexts authorizes suits against federal officers for violations of constitutional rights—not § 1983, is relevant to Watson's claims about violations of his constitutional rights. *See Dist. of Columbia v. Carter,* 409 U.S. 418, 424–25 (1973). Yet he fails to address, let alone attempt to refute, the district court's conclusion that his claims arise under the Eighth and First Amendments in a context for which *Bivens* does not authorize a federal suit. And he has not developed an argument that a federal statute, such as the Prison Rape Elimination Act, 42 U.S.C. §§ 30301–30309, authorizes him to bring a private right of action. Although we generously construe pro se filings, we will not attempt to craft arguments and perform legal research on the litigant's behalf when the litigant failed to do so; instead, we must dismiss an appeal that presents no meaningful argument. *See Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001).

We conclude with the matter of strikes. As the district court told Watson, he incurred a "strike" under 28 U.S.C. § 1915(g) because his complaint was dismissed in its entirety for failure to state a claim. *See Turley v. Gaetz*, 625 F.3d 1005, 1012 (7th Cir. 2010). Because he has not presented a meaningful argument for relief on appeal, he has incurred a second "strike" for filing and pursuing this appeal.

DISMISSED