

APPENDIX A
UNITED STATES
COURT OF APPEALS
FOR THE 7TH CIRCUIT
DECIDED SEPT 22, 2023

NO. 22-3126

NONPRECEDENTIAL DISPOSITION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 22, 2023

Before

DIANE P. WOOD, *Circuit Judge*

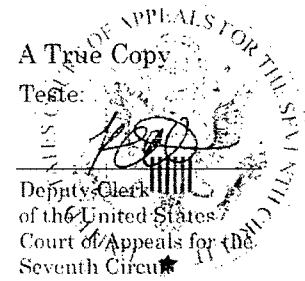
MICHAEL B. BRENNAN, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

CERTIFIED COPY

A True Copy

Teste:


Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

No. 22-3126

HANNIBAL EASON,
Plaintiff-Appellant,

v.

KWAME RAOUL, in his official
capacity, et al.,
Defendants-Appellees.

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

No. 22-cv-00985

Andrea R. Wood,
Judge.

ORDER

Hannibal Eason, an Illinois prisoner, appeals the judgment dismissing his third amended complaint for failure to state a claim. Eason asserted that state and local officials conspired over the course of a decade to unlawfully convict him, provide him inadequate assistance in prison, and discriminate against him in myriad ways. The

* 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 appellant's 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).

district court concluded that Eason's allegations did not support a conspiracy, and we affirm.

As set forth in his third amended complaint, the allegations of which we accept as true, *see Otis v. Demarasse*, 886 F.3d 639, 644 (7th Cir. 2018), Eason faced a litany of obstacles that he believed added up to a wide-ranging conspiracy against him. Among these concerns were his prison's biased grievance-review process, lack of compliance with the Americans with Disabilities Act, inadequate medical care, and non-consensual disbursement of inmates' funds.

The district court dismissed Eason's complaint for failure to state a claim and entered a final judgment. It dismissed his conspiracy claims with prejudice, concluding that his allegations were speculative and wholly unsupported. The court, having twice warned Eason that he could not join unrelated claims against unrelated defendants in a single suit, refused to consider his "scattershot" strategy of pleading a conspiracy based on an assortment of disconnected events, the primary one being Eason's alleged inability to participate in his clemency hearing because he lacked a sign-language interpreter. To the extent that any other claims remained in Eason's complaint, the court dismissed those without prejudice.

Eason does not meaningfully challenge the basis of the district court's order, *see* FED. R. APP. P. 28(a)(8)(A), though we understand him mainly to reassert that the defendants took unlawful actions that amounted to a conspiracy against him. But a complaint alleging conspiracy needs to contain factual allegations suggesting that the defendants agreed to violate his rights, *see Cooney v. Rossiter*, 583 F.3d 967, 971 (7th Cir. 2009); *see also Walker v. Thompson*, 288 F.3d 1005, 1007–08 (7th Cir. 2002), and Eason's complaint does not. As the court explained, his complaint lacks any suggestion, beyond bare conclusions, that the disparate array of defendants was joined in a conspiracy.

Eason also contends that the court wrongly refused to recruit counsel for him. But the court acted within its discretion in so ruling. The court correctly denied his first request for assistance in recruiting counsel because he did not explain what effort he made to obtain counsel on his own. The court also appropriately denied his renewed request for counsel in his third amended complaint. As the court pointed out, he had not stated that he had tried to find counsel independently, and his prior submissions showed he understood, and could follow, the court's instructions to narrow the focus of his second amended complaint. *See Pruitt v. Mote*, 503 F.3d 647, 654–55 (7th Cir. 2007) (en banc).

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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NOTICE OF ISSUANCE OF MANDATE

October 16, 2023

To: Thomas G. Bruton
UNITED STATES DISTRICT COURT
Northern District of Illinois
Chicago, IL 60604-0000

No. 22-3126	HANNIBAL EASON, Plaintiff - Appellant
	v. KWAME RAOUL, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:22-cv-00985 Northern District of Illinois, Eastern Division District Judge Andrea R. Wood	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HANNIBAL EASON (#M-03226),

Plaintiff,

v.

KWAME RAOUL, et al.,

Defendants.

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No. 22-cv-00985

Judge Andrea R. Wood

ORDER

The Court dismisses Plaintiff's third amended complaint [34] for failure to state a claim. The Clerk of Court is directed to enter final judgment. This case is closed. Civil case terminated.

STATEMENT

Illinois prisoner Hannibal Eason initiated this federal lawsuit *pro se* under 42 U.S.C. § 1983 against no fewer than 25 defendants, alleging a "state conspiracy" spanning more than a decade. Eason's 432-page complaint did not comply with the Federal Rules of Civil Procedure and was, for the most part, impenetrable. The Court therefore gave Eason an opportunity to amend his pleading, imposed a 10-page limit on his Statement of Claim, and provided instructions on what he must do to present a pleading that would allow the Court to identify the nature of and factual basis for his claims. (See Dkt. No. 23.)

A screening order had not been issued regarding Eason's first amended complaint before he submitted a second amended complaint, so the Court screened the second amended complaint. (See Dkt. No. 33.) The second amended complaint narrowed the scope of this lawsuit to two broad categories: (1) a challenge to Eason's arrest, criminal conviction, and present incarceration; and (2) vague assertions about his medical care. The pleading did not, however, allege facts from which a claim could be inferred against any of the named defendants. The Court therefore dismissed the second amended complaint with leave to amend. The Court also instructed that Eason must "limit the third amended complaint to properly joined claims, stemming from the events described in the second amended complaint," and that any amended pleading "must comply with the rules for joining claims and defendant into a single lawsuit." (*Id.* at 3.)

Eason did not comply. Instead, he submitted a third amended complaint against 29 defendants that eliminates the challenge to his arrest but otherwise expands his claims beyond the scope of his second amended complaint. (See Dkt. No. 34.) For example, Eason's allegations touch on his dissatisfaction with the ADA (Americans with Disabilities Act) phones at the Dixon Correctional Center (*see* Dkt. No. 33 at 12–14), as well as his alleged inability to participate in his September 2021 clemency hearing at the Richard J. Daley Center because of the lack of a sign

language interpreter (*see id.* at 16). He also mentions: (1) commissary purchases during COVID (*id.* at 14); (2) disbursement of funds from this trust fund account without his consent (*id.* at 16); (3) allegedly inadequate medical care for head, stomach, and back pain (*id.* at 18); and (4) Wexford's purported refusal to fund a "coplear" implant or "power hearing aid" (*id.*). This type of pleading is not permitted. *Owens v. Evans*, 878 F.3d 559, 561 (7th Cir. 2017) ("scattershot [pleading] strategy is unacceptable under Rule 20(a)(2) of the Federal Rules of Civil Procedure and the Prison Litigation Reform Act, 28 U.S.C. § 1915(b), (g).").

In addition, Eason includes allegations about events that post-date his initiation of this lawsuit in February 2022. For example, he complains about: (1) disciplinary hearings that occurred on April 8, 2022 and September 1, 2022 (Dkt. No. 34 at 11, 15); (2) a denial of medical care at UIC-Chicago in April 2022 and August 2022 (*id.* at 15); and (3) a "denial of church and class because" he needs a sign language interpreter, which he grieved on April 25, 2022 (*id.* at 14). Eason's attempt to add claims stemming from events that occurred after initiation of this lawsuit is improper. *See* Fed. R. Civ. 15(c); *see also Perez v. Wis. Dep't of Corr.*, 182 F.3d 532, 535 (7th Cir. 1999) (explaining that court dismiss a lawsuit filed by an inmate before administrative remedies have been exhausted).

The Court warned Eason on two prior occasions that he may not join unrelated claims against unrelated defendants in a single lawsuit, and that his failure to submit a "fully compliant third amended complaint" would result in dismissal of this lawsuit. (Dkt. No. 33.) The Court also previously advised that "his mere invocation of a 'state conspiracy' is not enough to tie unrelated claims against a disparate array of defendants into a single lawsuit." (Dkt. No. 23 at 2.) Eason nevertheless has reverted to a scattershot pleading strategy and expresses his intent, in no uncertain terms, to proceed with this lawsuit on a theory that the assortment of events alleged in his third amended complaint constitute a conspiracy: "This is solely a state conspiracy suit based upon the conspiratorial practices to intentionally deny ADA needs or discriminate on basis of race and disability, tort violations, such ADA needs are legal help, communication porter, accommodations, rehabilitation, medical, hearing, and equal telephone access, sign language interpreters, religion, mental health, politics belief." (Dkt. No. 34 at 12; *see also id.* at 19 ("physical evidence shows a conspiracy")); Dkt. No. 36 (suggesting that Plaintiff believes his wide-ranging allegations add up to a state conspiracy).)

Given that Eason initiated this lawsuit under the theory that his allegations constituted a "state conspiracy," his repeated assertions of conspiracy, and his renewed intent to proceed with this case as a conspiracy, the Court is not inclined to parse the third amended complaint into separate claims. The Court will, instead, honor Eason's characterization of this lawsuit as "solely a state conspiracy suit."¹ That said, Eason's allegations show no such thing. *See Pohle v. Pence*,

¹Eason contends in his third amended complaint that he "needs a lawyer." (*See* Dkt. No. 34 at 19.) He has never submitted a motion for attorney representation on this Court's form, nor has he ever explained what steps he has taken to obtain counsel on his own. His request for a lawyer could be denied on those bases alone. *See Russell v. Bukowski*, 608 F. App'x 426, 428 (7th Cir. 2015) ("[B]efore a district court is required to consider recruiting counsel to assist a litigant in a civil case, the litigant must make a reasonable attempt to secure counsel for himself."); *Collins v. Illinois*, 554 F.3d 693, 697 (7th Cir. 2009) ("even pro se litigants must follow procedural rules"). In addition, even though Eason asserts throughout his submissions that he has mental and physical limitations, he has demonstrated an ability to follow instructions when he wants to

No. 21-3351, 2022 WL 2915454, at *2 (7th Cir. July 25, 2022) (affirming dismissal of “outlandish” and “speculative” conspiracy claims as frivolous); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that plaintiff cannot rely on labels and unsupported conclusions to state a claim).

Accordingly, the Court dismisses Eason’s third amended complaint for failure to state a claim. *See* 28 U.S.C. § 1915A (requiring district court to screen prisoner complaints and dismiss the complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or is brought against an immune defendant). Eason’s conspiracy claim is dismissed with prejudice. Any other claims that may be lurking in the third amended complaint are dismissed without prejudice to Eason’s ability to pursue the claims in a separate lawsuit. *See, e.g., Eason v. Pritzker*, No. 20-cv-01157-SPM (S.D. Ill.) (allowing claim against Director of the Illinois Department of Corrections concerning the Department’s failure to accommodate Eason’s hearing disability). This case will be closed and final judgment entered.

If Eason wants to appeal, he must file a notice of appeal with this Court within thirty days of the entry of judgment. *See* Fed. R. App. P. 4(a)(1). Eason will be liable for the \$505.00 appellate filing fee, regardless of the appeal’s outcome, should he choose to appeal. *See Evans v. Ill. Dep’t of Corr.*, 150 F.3d 810, 812 (7th Cir. 1998). If Eason seeks leave to proceed *in forma pauperis* on appeal, he must file a motion for leave to proceed *in forma pauperis* in this Court stating the issues he intends to present on appeal. *See* Fed. R. App. P. 24(a)(1).

Date: October 14, 2022



Andrea R. Wood
United States District Judge

do so. For example, he narrowed the focus of his second amended complaint to two primary claims against nine defendants (*see* Dkt. No. 31), and he submitted two Statements of Claim that comply with this court’s 10-page limit (*see id.* Dkt. No. 34). He also abandoned claims concerning his criminal conviction after this Court advised that they are *Heck*-barred (*see* Dkt. No. 33 at 3–4; Dkt. No. 34), demonstrating that his understanding of this Court’s orders goes beyond a rudimentary ability to comply with simple instructions. The Court therefore has no reason to second-guess Eason’s stated intent or his ability to narrow his pleading if he wished to do so.