No.

In the Supreme Court of the United States

MALCOLM WILSON,

Petitioner,

v.

ANGELITA CASTANEDA,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether due process requires a prison disciplinary board to provide "some evidence" of the amount of actual or estimated loss caused by an inmate's actions before depriving the inmate of his trust-account funds by imposing a restitution sanction.

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

The parties in the United States Court of Appeals for the Seventh Circuit are identified in the case caption.

Petitioner is an individual and therefore no Rule 29.6 disclosure is required.

STATEMENT OF RELATED PROCEEDINGS

There are no related proceedings in state or federal court, or in this Court.

TABLE OF CONTENTS

TABLE OF CONTENTS—continued

Page

TABLE OF AUTHORITIES

Page(s)

Cases

TABLE OF AUTHORITIES—continued

Page(s)

Statutes

Other Authorities

PETITION FOR A WRIT OF CERTIORARI

Petitioner Malcolm Wilson respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Seventh Circuit is reported at 143 F.4th 814 (App., *infra*, 1a-15a). The opinion of the United States District Court for the Northern District of Indiana dismissing the case at the screening stage is unreported but available at 2022 WL 13969354 (App., *infra*, 18a-23a). The opinion of the United States District Court for the Northern District of Indiana denying Wilson's motion to reconsider is unreported but available at 2023 WL 2910777 (App., *infra*, 28a-36a).

JURISDICTION

The judgment of the United States Court of Appeals for the Seventh Circuit was entered on July 15, 2024 (App., *infra*, 16a). Petitioner's timely petition for en banc rehearing was denied on September 5, 2025 (App., *infra*, 26a-27a). The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1). On December 1, 2025, Justice Barrett extended the time within which to file a petition for a writ of certiorari to and including February 2, 2026, and the petition was filed on that date.

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment to the U.S. Constitution provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of

> citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT

Indiana state prisoner and petitioner Malcolm Wilson took a cane from another inmate to defend himself against a third inmate who was attempting to stab Wilson. In doing so, the inmate with the cane fell to the ground and Wilson was charged with battery.

Following a prison disciplinary hearing related to the battery charge, Indiana Department of Correction Lieutenant and respondent Angelita Castaneda penalized Wilson "up to $100,000" in medical restitution costs among other sanctions. But the only evidence to support the penalty was a prison official's statement that the inmate with the cane was taken to an outside hospital for his alleged injuries. Wilson challenges the restitution penalty as a violation of his due process rights.

Review is warranted because this case presents a question of exceptional importance that has not been settled by this Court: whether due process requires a prison disciplinary board to provide "some evidence" of the amount of actual or estimated loss before depriving an inmate of his trust-account funds by imposing a restitution sanction.

This Court has explained that the Due Process Clause requires "some evidence support[ing] [a] decision by the prison disciplinary board." *Superintendent, Massachusetts Correctional Institute, Walpole v. Hill*, 472 U.S. 445, 455 (1985). The Court has not addressed the precise content of the "some evidence"

standard in the context of a restitution sanction amount, but *Hill* makes clear that the purpose of the "some evidence" standard is to guard against arbitrary government action that infringes on prisoners' due process rights by requiring that prison disciplinary decisions are not "without support or otherwise arbitrary." *Id*. at 457.

The Seventh Circuit, however, ruled that the restitution sanction of "up to $100,000" was supported by "some evidence" despite no record evidence of any actual or estimated loss. App., *infra*, 7a. The majority held that Petitioner had received the process he was due. App., *infra*, 10a.

Petitioner's case presents an exceptionally important question to prisoners, States, and courts alike, because the Seventh Circuit's opinion "grant[s] prisons a blank check for any restitution amount imposed at a disciplinary hearing." App., *infra*, 15a (Jackson-Akiwumi, J., dissenting). Further, the decision turns restitution on its head, straying from its purpose: to make the prison financially whole. The decision has a far-reaching effect, empowering any prison official across the country to violate inmates' due process rights with impunity. This Court should grant review to clarify that prisons must provide "some evidence" of the amount of actual or estimated loss supporting a restitution penalty.

A. Facts

On April 26, 2022, an Indiana State Prison (ISP) inmate threatened Wilson's life, causing Wilson to run down a cell house stairwell. App., *infra*, 2a-3a. As the threatening inmate gained on Wilson, Wilson approached a third inmate and attempted to grab the third inmate's cane. *Ibid*. Once Wilson obtained the

other inmate's cane, he used it to defend himself. C.A. App. 8.[1] Additional inmates deescalated the situation and the dispute ended without any physical contact between Wilson and the instigating inmate. *Ibid*.

On April 28, 2022, a prison investigator reviewed camera footage from the date of the incident, summarizing it as follows:

> During my review, I saw Offender Malcolm Wilson DOC #104959 run from the A Cell House south stairwell to the flag and attempt to take something from another offender. At 4:35am, Offender Wilson then pushed the offender who fell to the ground and was later sent to an outside hospital for his injuries.

C.A. App. 7. The investigator did not identify (1) the name of the "outside hospital;" (2) the method by which ISP allegedly transported the allegedly injured inmate to an outside hospital, (3) the name or "DOC #" of the allegedly injured inmate; (4) any injuries that the inmate allegedly suffered that necessitated treatment; or (5) any medical treatment performed, or costs for the same incurred, by ISP or any outside facility. See *ibid.*

Another prison employee also reviewed camera footage of the incident. The employee summarized the camera footage from approximately 4:35-4:37 a.m., in relevant parts, as follows:

- 4:35:42 Offender Wilson goes over to an Offender who is standing by the wall and

[1] "C.A. App." citations refer to the separate appendix filed below in the Seventh Circuit.

> Offender Wilson attempts to grab the cane from the other Offender[.]
>
> - 4:35:44 A struggle ensues over the cane that Offender Wilson is trying to take from another Offender[.]
> - 4:35:45 As Offender Wilson is still trying to grab the cane from the other Offender the other Offender falls down on the floor[.]
> - 4:36:20 The Offender that had the cane stolen is helped to his feet and he is doubled over in pain[.]
> - 4:36:57 Offender Wilson gives up the cane to another Offender and starts to walk away with an Offender towards the front of 100 South[.]

C.A. App. 8. The prison employee did not identify any type of injury or body part that allegedly caused the victim to "double[] over in pain." See *ibid.* ISP did not allow Wilson to review the camera footage, citing prison safety concerns. See *ibid.*

On May 26, 2022, Castaneda held a disciplinary hearing. C.A. App. 9. During the hearing, Wilson pleaded not guilty and indicated that he had grabbed the cane in order to defend his life. *Ibid.* Castaneda noted that Wilson was given a request-for-interview form at the hearing and he requested a copy of any "fines or fees or order from a disciplinary hearing for restitution or for the payment of a medical co-payment." See *id.* at C.A. App. 11. In response, the correctional officer did not provide Wilson any evidence of the medical bills or invoices relating to a restitution penalty or the victim's alleged injuries. See *ibid.*

The same day, Castaneda found Wilson guilty of battery, writing on the Report of Disciplinary Hearing form only that "[p]hysical evidence supports the finding of guilt." C.A. App. 9. Castaneda did not provide any details or substantive factual findings supporting her decision, including as to the restitution penalty. See *ibid.* Rather, Castaneda merely checked the following boxes on the form as evidentiary support for her verdict: (1) "Staff Reports" (*i.e.*, Investigator Burke's Report of Conduct that summarized the camera footage); (2) "Physical Evidence" that she described as "statements from staff, camera review, conduct report"; (3) "Video Evidence;" and (4) "Incident Viewable." See *ibid.* In sum, Castaneda's findings relied entirely on the two summaries of camera footage provided by prison employees; no other evidence is in the record.

In the same hearing form, Castaneda imposed a restitution sanction of "up to $100,000" on Wilson. See C.A. App. 9. Castaneda did not provide any details or citation to any evidence as to the amount owed, such as specific medical bills, invoices, or costs supporting the "up to $100,000" restitution penalty. See *ibid.*

Castaneda then filled out and signed a "Request for Remittance" in the amount of $100,000 against Wilson, but Wilson never signed this form. See C.A. App. 10 (stating that the purpose for remittance was "medical battery against another offender"). As a result of the restitution penalty, the State has made at least five withdrawals from Wilson's commissary account totaling $312.08. C.A. App. 246-247, C.A. App. 252.[2]

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[2] Wilson reports that from summer of 2024 through at least November 26, 2025, he made multiple requests to prison officials to

B. Procedural History

Wilson timely appealed Castaneda's decision, using the prison's internal procedures to argue that there was no evidence, including "contracts, receipts, or hospital bills" that supported "a restitution claim of $100,000 or any sanction presented by the state." See C.A. App. 12. The presiding correctional officer denied Wilson's appeal. *Ibid*. Wilson's appeal to the review officer for the State of Indiana Department of Correction was denied. See C.A. App. 13.

After exhausting his administrative remedies, on September 23, 2022, Wilson filed a civil rights complaint under 42 U.S.C. § 1983. C.A. App. 1-5. In it, Wilson claimed a violation of his Fourteenth Amendment due process rights related to the State's withdrawal of funds from his commissary account to satisfy the restitution penalty. C.A. App. 4. Wilson's complaint sought damages and an injunction to preclude any further withdrawals from his commissary account and restoration of the funds already withdrawn. C.A. App. 5.

On October 24, 2022, the district court screened Wilson's complaint pursuant to 28 U.S.C. § 1915A. App., *infra*, 18a-23a. Despite acknowledging that a less stringent standard of review applies to *pro se* prisoner complaints, the district court dismissed Wilson's complaint at the screening stage. *Ibid*.

On October 25, 2022, Wilson filed a motion for the district court to reconsider its opinion and order dismissing his complaint. See C.A. App. 21-25. On April

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provide him with updated commissary account information to determine whether additional funds were withdrawn pursuant to the restitution sanction. However, he reports that prison officials have not provided Wilson with such information.

12, 2023, the district court issued its opinion and order denying Wilson's motion for reconsideration. App., *infra*, 28a-36a. In denying Wilson's motion, the district court continued to assume that the victim had suffered injuries in spite of the lack of evidence[3] in the record and did not identify any evidence of the amount owed supporting the restitution penalty. See generally *ibid.* Rather, it concluded that, as Wilson received a *Wolff* hearing, no federal due process violation occurred.[4]

Wilson timely appealed to the United States Court of Appeals for the Seventh Circuit. On appeal, now represented by counsel, he argued that his complaint stated a due process claim because Castaneda imposed a restitution penalty without evidence to support the amount of restitution. The Seventh Circuit held that the restitution sanction of "up to $100,000" was supported by "some evidence" despite no record evidence of any actual or estimated loss, and that Wilson received the process that he was due. App., *infra*, 7a-10a. Judge Jackson-Akiwumi dissented,

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[3] Indeed, Wilson sought out cost-related evidence related to the purported hospital trip but was told that none existed. C.A. App. 21-22.

[4] In its opinion denying Wilson's motion for reconsideration, the district court stated that "[i]n his complaint, Wilson is not claiming that the defendants overcharged his prisoner trust account, that the hold should now be removed because the debt has been paid, or even that any money has actually been deducted." See App., *infra*, 34a n.4. On the last point, the district court was wrong—ISP has taken money from Wilson as a result of the restitution penalty and Wilson pleaded the same. Indeed, since the first deduction on or about July 1, 2022, Wilson has had $312.08 deducted from his commissary account in relation to the restitution penalty through January 30, 2024. C.A. App. 246-247, C.A. App. 252.

explaining that the majority's reasoning was "contrary to *Hill*'s central tenet that the evidence in the record support 'the conclusion reached by the disciplinary board.'" App., *infra*, 13a (citing 472 U.S. at 455-456). She also explained that mere "evidence of a hospital visit is not 'some evidence' of an amount owed or likely owed in restitution." *Ibid*. Wilson timely petitioned for rehearing en banc, and the Court of Appeals denied that petition on September 5, 2025. See App., *infra*, 26a-27a.

REASONS FOR GRANTING THE PETITION

WHETHER DUE PROCESS REQUIRES A PRISON DISCIPLINARY BOARD TO PROVIDE "SOME EVIDENCE" OF THE AMOUNT OF LOSS BEFORE IMPOSING A RESTITUTION SANCTION IS A QUESTION OF EXCEPTIONAL IMPORTANCE THAT WARRANTS THIS COURT'S REVIEW.

The Seventh Circuit's decision states that money may be taken from a prisoner's trust account without meaningful evidence of a loss. App., *infra*, 7a, 10a. This holding is inconsistent with due process principles and allows for the imposition of arbitrary and grossly unfair sanctions contrary to this Court's holding in *Hill*.

A. This is a question of exceptional importance that has not been settled by this Court.

The question presented is exceptionally important to prisoners, States, and courts alike. Prisoners have a protected property interest in their prison trust accounts. *Campbell* v. *Miller*, 787 F.2d 217, 222-23 (7th Cir. 1986); see also *Reynolds* v. *Wagner*, 128 F.3d 166, 179 (3d Cir. 1997). A prisoner's commissary account

allows for the purchase of snacks and hygiene products, and protecting against unwarranted withdrawals through arbitrary government action is extremely meaningful to prisoners. Specifically, the "some evidence" standard protects inmates from arbitrary prison disciplinary hearing decisions, and the arbitrary deprivation of their protected property interest in their trust accounts, as required by the Due Process Clause.

By addressing this important question, the Court could also save States and courts untold resources in litigating restitution-related claims. And without guidance from the Court, lower courts will produce inconsistent results, which have a direct impact on incarcerated individuals' protected property interests.

The potential for divergent applications of the "some evidence" standard in *Hill* as to restitution sanctions, depending on no more than the predilections of the panel or judge, further highlights the importance of addressing the question presented. See App., *infra*, 13a-14a (Jackson-Akiwumi, J., dissenting). For example, *Salazar* v. *Lessna*'s facts are nearly identical to this case but yielded a contrary result. 2024 WL 2771816, at *1-2 (N.D. Ind. May 29, 2024). *Salazar* also involved a battery disciplinary charge and a $100,000 restitution sanction. *Id*. at *1. The prisoner argued that no evidence supported the restitution sanction imposed at the same correctional facility at issue here, ISP. *Ibid*. In contrast to Wilson's case, however, the district court allowed Salazar's Fourteenth Amendment due process claim to proceed past the screening stage. *Id*. at *1-2. The divergent application of the *Hill* standard in the restitution context to near-identical cases demonstrates the

importance of addressing this issue, to ensure uniformity for prisoners across the country.

These disparate outcomes also highlight the fact that this Court has not yet addressed how *Hill* is applied in the context of restitution. As the dissent below noted, restitution is different than other sanctions, such as loss of good time credits. Evidence of guilt of an underlying disciplinary charge—for example, Wilson's battery—"will generally suffice as support for accompanying revocation of good time credits." App., *infra*, 11a-12a (Jackson-Akiwumi, J., dissenting). But "[t]his is not always true for the imposition of restitution, which aims to repay the prison funds it lost because of an inmate's actions." *Ibid*. The Court should take this opportunity to address this unique sanction to ensure that prisoners' property interests in their trust accounts are adequately protected.

If the Court does not address this important question, the Seventh Circuit's opinion will "grant prisons a blank check for any restitution amount imposed at a disciplinary hearing." App., *infra*, 15a (Jackson-Akiwumi, J., dissenting). The majority here did not tie the "some evidence" requirement to Castaneda's "up to $100,000" restitution conclusion because there was no such evidence to tie in. In doing so, the Seventh Circuit's decision cannot be squared with *Hill*. This has a nationwide and far-reaching effect, empowering any prison official across the country to violate inmates' due process rights with impunity.

The Seventh Circuit's decision also distorts the purpose of restitution: to make the prison financially whole. This Court has recognized the importance of placing outer limits on restitution, and financial penalties more broadly, in order to protect against the arbitrary deprivation of property. Indeed, this Court has

explained that "the loss caused by the conduct underlying the offense of conviction establishes the outer limits of a restitution order[.]" *Hughey* v. *United States*, 495 U.S. 411, 420 (1990); see also *Paroline v. United States*, 572 U.S. 434, 448 (2014) (explaining that restitution under the Violence Against Women Act is proper "only to the extent the defendant's offense proximately caused a victim's losses."). Restitution is proper only where there is a clear line of causation between an offense and the loss. *See ibid.*

This Court is also wary of imposing punitive damages untethered from a defendant's liability. In *State Farm Mutual Auto Insurance* v. *Campbell*, the Court explained that punitive damages "serve the same purposes as criminal penalties" but that civil defendants have not always received the same level of protection as criminal defendants. 538 U.S. 408, 417 (2003). The Court therefore imposed limitations on punitive damages, explaining that such damages could not be based on a "defendant's dissimilar acts, independent from the acts upon which liability was premised." *Id.* at 422. Instead, the "defendant should be punished for the conduct that harmed the plaintiff, not for being an unsavory individual[.]" *Id.* at 423; see also *Honda Motor Co.* v. *Oberg*, 512 U.S. 415, 429 (1994) (explaining that "evidence of culpability warranting some punishment is not a substitute for evidence providing at least a rational basis for the particular deprivation of property imposed by the State to deter future wrongdoing.").

Further, this Court has explained that awards of attorneys' fees must be supported by a "reasonably specific explanation for all aspects of a fee determination, including any award of an enhancement." *Perdue* v. *Kenny A.*, 559 U.S. 542, 558 (2010). Such a

requirement guards against the imposition of arbitrary awards, because awards without a reasonably specific explanation prevent "adequate appellate review," which can lead to "widely disparate awards" that "may be influenced (or at least, may appear to be influenced) by a judge's subjective opinion[.]" *Ibid.*

This Court thus has repeatedly emphasized that monetary penalties must be grounded in the particular loss or wrongdoing of the defendant. In this case, too, the Court should make clear that a prison disciplinary board must provide "some evidence" of the amount of actual or estimated loss before depriving an inmate of his trust account funds by imposing a restitution sanction.

B. The Seventh Circuit's decision is wrong and in conflict with this Court's precedent.

The Fourteenth Amendment prohibits the government from depriving an inmate of life, liberty, or property without due process of law. See *Wolff* v. *McDonnell*, 418 U.S. 539, 556 (1974). As the district court recognized, "[i]nmates have a property interest in the funds located in their prison accounts and, arguably, in the use of that account." App., *infra*, 20a (citing *Campbell v. Miller*, 787 F.2d 217, 222-223 (7th Cir. 1986)).

Under *Wolff*, prisoners are guaranteed the following procedural due process rights prior to being deprived of a protected interest through a prison disciplinary hearing: (1) advance written notice of the charges; (2) an opportunity to be heard before an impartial decisionmaker; (3) an opportunity to call witnesses and present documentary evidence in defense, when consistent with institutional safety and

correctional goals; and (4) a written statement by the factfinder of evidence relied on and the reasons for the disciplinary action. App., *infra*, 21a (citing *Wolff*, 418 U.S. at 563-573).

Along with the due process safeguards recognized by *Wolff*, "[d]ue process requires that before prison officials deprive a prisoner of a protected interest, they produce 'some evidence' of conduct that authorizes the deprivation." *Tonn v. Dittmann*, 607 F. App'x. 589, 590 (7th Cir. 2015) (citing *Hill*, 472 U.S. at 447). While the "some evidence" standard is "lenient" and requires "no more than a 'modicum of evidence,'" it guarantees incarcerated individuals due process by protecting against arbitrary prison disciplinary hearing decisions that are "without support or otherwise arbitrary." See *Webb* v. *Anderson*, 224 F.3d 649, 652 (7th Cir. 2000) (citing *Hill*, 472 U.S. at 455); *Hill*, 472 U.S. at 457.

But here, the Seventh Circuit failed to ensure that the disciplinary board's decision comported with *Hill*'s requirement that "some evidence" support the Board's award of "up to $100,000" in restitution. *Hill* does not hold that a prison may merely present "some evidence" of "some cost," as the majority mistakenly concludes. App., *infra*, 13a (Jackson-Akiwumi, J., dissenting). Rather, the "central tenet" (*id*. at 12a) of *Hill* is "whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." *Hill*, 472 U.S. at 455-456. "In other words, the 'some evidence' must be tied to the board's ultimate conclusion." App., *infra*, 11a (Jackson-Akiwumi, J., dissenting); see also *id*. at 13a ("Under *Hill*, the 'some evidence' must support the underlying charge of assault, not just some charge."). The Seventh Circuit failed to tie the "some evidence"

requirement to Castaneda's "up to $100,000" restitution conclusion—because there was no evidence to tie to the restitution conclusion. This cannot be squared with *Hill*.

The majority's conclusion that an unidentified cost is "some evidence" of the "up to $100,000" restitution amount also cannot be reconciled with *Hill*. The dissent correctly concluded that "evidence of a hospital visit is not 'some evidence' of an amount owed or likely owed in restitution." App., *infra*, 13a (Jackson-Akiwumi, J., dissenting).

The majority's reasoning also cannot be squared with this Court's precedents because it endorses a plainly arbitrary restitution amount. An "arbitrary" action is one that "[d]epend[s] on individual discretion" and is made "without consideration of or regard for facts, circumstances, fixed rules, or procedures." Black's Law Dictionary (12th ed. 2024); see *Robesky* v. *Qantas Empire Airways, Ltd.*, 573 F.2d 1082, 1089 (7th Cir. 1978) (noting that "the Supreme Court used the term [arbitrary] to 'describe irrational or unreasoned decisions'") (citation omitted). That is exactly how respondent approached the restitution sanction here.

The Seventh Circuit's decision cannot be squared with *Hill* and warrants review.

C. The case presents an ideal vehicle.

This case is an ideal vehicle with which to resolve the issue presented because restitution is the only penalty at issue, there are no facts in dispute, and the district court and court of appeals have squarely addressed and decided the issue. Wilson has exhausted his administrative remedies and timely appealed the district court and Seventh Circuit's decisions. This

Court should grant review and make clear that "some evidence" of the amount of actual or estimated loss is required before depriving an inmate of his trust account funds by imposing a restitution sanction.

CONCLUSION

The petition for a writ of certiorari should be granted, or this Court should summarily reverse the decision below.

Respectfully submitted.

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FEBRUARY 2026

APPENDICES

TABLE OF CONTENTS

Page

APPENDIX A

In the

United States Court of Appeals

For the Seventh Circuit

No. 22-3068

MALCOLM WILSON,

Plaintiff-Appellant,

v.

ANGELITA CASTANEDA,

Defendant-Appellee.[*]

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.
No. 22-cv-822 — **Jon E. DeGuilio**, *Judge*.

ARGUED SEPTEMBER 27, 2024 – DECIDED JULY 15, 2025

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[*] Because of the procedural posture of this case (it was dismissed on preliminary screening and prior to service), the defendant-appellee did not participate in this appeal. Upon this court's invitation, however, the Attorney General of Indiana filed a brief and appeared at oral argument in this matter as amicus curiae.

Before BRENNAN, JACKSON-AKIWUMI, and PRYOR, *Circuit Judges*.

PRYOR, *Circuit Judge*. Malcolm Wilson, an Indiana prisoner, sued Lieutenant Angelita Castaneda with the Indiana Department of Correction. Invoking 42 U.S.C. § 1983, Wilson alleged that Castaneda, who presided over Wilson's disciplinary hearing, violated the Fourteenth Amendment by imposing a restitution order without any evidence to support that sanction. The district court dismissed Wilson's pro se complaint at the screening stage under 28 U.S.C. § 1915A and later denied his motion for reconsideration. Wilson appeals the dismissal, but for the reasons discussed below, we affirm.

I. BACKGROUND

We review the district judge's screening order de novo and accept the factual allegations in the complaint as true, drawing all reasonable inferences in Wilson's favor and construing his pro se complaint liberally. *Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020). Because Wilson attached several documents to his complaint, we consider those documents as part of the complaint as well. *Arnett v. Webster*, 658 F.3d 742, 746 (7th Cir. 2011).

Wilson is incarcerated at the Indiana State Prison (ISP), Michigan City, Indiana, in the custody of the Indiana Department of Correction (IDOC). On April 26, 2022, security camera footage captured Wilson running down a stairwell and into a hallway while being chased by an inmate who was attempting to stab Wilson. Upon entering the hallway, Wilson, attempting to defend himself, snatched a cane from another inmate which caused that inmate to fall to the

ground. Other inmates intervened and deescalated the situation. The fallen inmate was helped to his feet but doubled over in pain. The prison later sent him to an outside hospital for medical care.

ISP charged Wilson with battery, with Lieutenant Angelita Castaneda, a correctional officer at the prison, conducting his disciplinary hearing on May 26, 2022. After hearing testimony from Wilson, reviewing the conduct reports prepared by staff, and viewing the video footage, Castaneda found Wilson guilty of battery. Castaneda then imposed a sentence of 90 days in restrictive housing, demoted Wilson a credit class, and—relevant to this appeal—ordered him to pay "up to $100,000" in restitution for medical costs. On the remittance request form, Castaneda explained that Wilson had been ordered to pay this amount because of his "medical battery against another."

On June 3, 2022, Wilson appealed the guilty finding and restitution sanction, arguing there was insufficient evidence to support the $100,000 restitution amount. The IDOC Appeal Review Board eventually denied Wilson's appeal on August 19, 2022. The Board determined there was sufficient evidence to support Castaneda's findings of guilt and the restitution order.

Having exhausted his administrative remedies, Wilson sued Castaneda under 42 U.S.C. § 1983, bringing a Fourteenth Amendment due process claim. Wilson alleged that Castaneda had imposed the restitution order without any evidence to support the sanction. He attached to his complaint various ISP forms from his disciplinary proceedings, including an ISP officer's conduct form summarizing the April 26 investigation; a written summary of the video recording of the incident; findings of fact from the

disciplinary hearing; and the restitution remittance form for Wilson's account, which allowed the prison to withdraw funds to satisfy the restitution order.

The district court dismissed Wilson's complaint at screening. *See* 28 U.S.C. § 1915A. Relying on the documents attached to Wilson's complaint, the district court found Castaneda had sufficient evidence to support the restitution order. That evidence, the court reasoned, demonstrated that the prison had incurred some financial loss as a result of Wilson's actions, and so his due process claim failed.

Wilson moved to reconsider but filed a notice of appeal before the district court could address the motion. Because the pending motion caused the notice to be ineffective, we stayed the appeal to give the district court an opportunity to consider Wilson's motion. *See* FED. R. APP. P. 4(a)(4). We lifted the stay once the district court denied the motion.

After reviewing Wilson's pro se opening brief, we recruited counsel to appear on Wilson's behalf and address three questions, including:

> (1) whether Wilson's complaint stated a federal due process claim when a disciplinary hearing officer imposed restitution for costs associated with Wilson's disciplinary infraction without evidence to support the amount of restitution;
>
> (2) what evidence of the amount owed, if any, is necessary to satisfy federal due process requirements; and
>
> (3) if evidence is necessary, must that evidence be relied on at the time a

> disciplinary officer imposes restitution as a sanction or is it sufficient to produce that evidence at some later time.[1]

Also, based on the procedural posture of the case–the named defendant not participating in the appeal–we invited the Indiana Attorney General to appear as amicus curiae to respond to Wilson's appellate arguments on these three issues.[2]

II. ANALYSIS

The Fourteenth Amendment guarantees prisoners due process before prison officials deprive them of a protected interest. *Superintendent, Mass. Corr. Inst.*, *Walpole v. Hill*, 472 U.S. 445, 447 (1985); *Wolff v. McDonnell*, 418 U.S. 539, 556 (1974). Wilson's property interest in the funds in his prison trust account is a protected interest. *See Campbell v. Miller*, 787 F.2d 217, 222 (7th Cir. 1986); *see also* IND. DEP'T OF CORR., *The Disciplinary Code for Incarcerated Adults*, IX(E)(3)(e) (Effective May 1, 2023) (available at https://www.in.gov/idoc/files/policy-and-procedure/policies/02-04-101-ADP-5-1-2023.pdf) (limiting restitution to an "estimated amount."). Therefore, before he could be deprived of this protected interest, the Fourteenth Amendment required ISP to provide Wilson with certain procedural protections. *Hill*, 472 U.S. at 453.

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[1] App. Dkt. 8.

[2] We note that appellate counsel for Wilson raises an additional Eighth Amendment Excessive Fines Clause argument. This argument finds no home in Wilson's complaint and was never raised before the district court. We therefore decline counsel's invitation to comment on the issue. *See Boyers v. Texaco Refin. & Mktg., Inc.*, 848 F.2d 809, 811–12 (7th Cir. 1988).

In the pre-deprivation prison disciplinary hearing context, due process requires an inmate to receive (1) advance written notice of the disciplinary charges; (2) an opportunity to defend oneself, including to be heard before an impartial decision maker, call witnesses, and present evidence in defense, subject to certain exceptions; and (3) a written statement by the factfinder of evidence relied on and the reasons for the disciplinary action. *Wolff*, 418 U.S. at 563–67.

In addition to these procedural safeguards, a prison disciplinary decision must also be supported by "some evidence" in the record. *Scruggs v. Jordan*, 485 F.3d 934, 941 (7th Cir. 2007) (quoting *Hill*, 472 U.S. at 455). This lenient standard requires no more than "a modicum of evidence." *Webb v. Anderson*, 224 F.3d 649, 652 (7th Cir. 2000) (quoting *Hill*, 472 U.S. at 455); *see also McPherson v. McBride*, 188 F.3d 784, 786 (7th Cir. 1999). Our inquiry ends once this "meager threshold has been crossed." *Scruggs*, 485 F.3d at 941. We ask only whether the record was so devoid of evidence as to make the official's findings arbitrary or without support. *Webb*, 224 F.3d at 652. "[T]he relevant question is whether there is *any* evidence in the record that *could* support the conclusion reached by the disciplinary board." *Id.* (quoting *Hill*, 472 U.S. at 455–56); *see also United States v. Kizeart*, 505 F.3d 672, 675 (7th Cir. 2007) (a prison disciplinary board's sanction will be set aside only if it is "plainly" unreasonable).

Wilson does not contest that his disciplinary hearing, which resulted in his finding of guilt, complied with the three procedural requirements of *Wolff*. Indeed, he was given notice of the charges against him, he was provided an opportunity to defend himself, and Castaneda provided her written findings.

He also does not contest that the finding of guilt was supported by some evidence or that he could be ordered to pay restitution generally upon that finding. Rather, he argues that Castaneda deprived him of due process because, in his view, the "up to $100,000" restitution figure was not substantiated by any evidence.

We disagree. The disciplinary hearing documents Wilson attached to his complaint establish that Wilson was found guilty of battering another inmate. The reports also establish that the injured inmate was sent to an outside hospital for medical treatment. Although that evidence is not so precise as to identify a specific restitution figure, it is still "some evidence" to establish both Wilson's violation and that the prison incurred financial costs from the injured inmate's hospital visit. With this evidence in the record, we find there was adequate support for Castaneda's order of restitution. *See Webb*, 224 F.3d at 652.

Wilson further maintains that he was deprived of the right under *Wolff* to view exculpatory evidence related to the injured inmate's medical bills. But "exculpatory evidence" is evidence which tends to establish innocence. *See* Evidence, Black's Law Dictionary (12th ed. 2024). The medical bills were not exculpatory because they would not tend to establish Wilson's innocence in relation to the battery charge. Therefore, *Wolff* was not violated.

Wilson argues that we should not rely on *Webb* because it involved the loss of good time credits rather than restitution. This argument is inapplicable because compliance with *Wolff* is sufficient due process for either the deprivation of a liberty interest

in good time credits or the imposition of a restitution sanction. *Campbell*, 787 F.2d at 224 n.12.

This case is, however, distinguishable from two of our unpublished decisions: *Lindell v. Pollard*, 681 F. App'x 518 (7th Cir. 2017), and *Tonn v. Dittmann*, 607 F. App'x 589 (7th Cir. 2015). In *Lindell*, a Wisconsin prison ordered Lindell, a state inmate, to pay $1,870 as restitution to reimburse the prison for his hospital visit after he allegedly misused medication–a finding that Lindell alleged "lack[ed] an evidentiary basis." 681 F. App'x at 519. Because Lindell's due process claim was dismissed at screening, we accepted as true Lindell's allegation that the defendant "deprived him of $1,870 of his personal funds by finding him guilty of misusing medication without *any* evidence backing that accusation or amount." *Id.* at 521 (emphasis added). Similarly, in *Tonn*, another Wisconsin inmate filed a complaint alleging that his prison disciplinary hearing "was devoid of" evidence of "any actual or estimated losses arising from his violation." 607 F. App'x at 590. Without any evidence at screening to refute the allegations of Lindell or Tonn, we remanded each case for further proceedings. *Lindell*, 681 F. App'x at 521; *Tonn*, 607 F. App'x at 591.

Here, however, Wilson's attachments to his complaint demonstrate that his disciplinary hearing did not violate the due process requirements of the Fourteenth Amendment. Castaneda's restitution order was supported by Wilson's statements, video evidence of the incident, and the conduct reports of the staff which stated the injured inmate had to be transferred to an outside hospital. This support, while meager, constitutes "some evidence" that the prison incurred costs as a result of Wilson's violation. *See Webb*, 224 F.3d at 652; *see also Edwards v. Snyder*,

478 F.3d 827, 830 (7th Cir. 2007) (noting that pro se plaintiffs may inadvertently plead themselves out of court by pleading facts that preclude recovery). To that end, we disagree with the dissent that the complaint in this case may be analogized to the complaint in *Lindell*, and instead find the cases materially distinguishable. In *Lindell*, we were required to accept as true that there was no evidence to support Lindell's underlying conviction nor evidence of any cost incurred for transferring an injured inmate to the hospital. This meant that there was not *any* evidence to support the accusation of guilt and imposition of restitution, such that the "some evidence" standard could not be satisfied. But here, we have that evidence, even if thin, such that the "some evidence" standard is satisfied. And while the record might be clearer if a precise bill of costs for the hospital transportation and medical care were provided, the Constitution does not require that level of precision; all that is required is "some evidence" to support the disciplinary conclusion. *Scruggs*, 485 F.3d at 941; *Webb*, 224 F.3d at 652.

Finally, we observe that we have never required, for purposes of federal due process, specific evidence of the amount of restitution at the time a sanction is entered. Indeed, restitution is inherently limited. As described by the Indiana Department of Correction's disciplinary policy, the maximum restitution sanction that can be imposed is "the assessed amount of the loss." *Ind. Dep't of Corr.*, *The Disciplinary Code for Incarcerated Adults*, IX(E)(3)(e) (Effective May 1, 2023). Moreover, the code requires eventual documentation of the precise amount, and for medical restitution, requires that prisoners should, at some point, receive copies of redacted medical bills. *Id.* n.5. It also permits a hearing officer to assess restitution

for medical costs "up to an estimated amount" if–at the time of the hearing–the officer cannot determine the amount of restitution "due to ongoing medical treatment or a delay in receiving the medical bills." *Id.* That Castaneda did not set an amount when she entered the sanction, but instead proffered an estimate, is not a constitutional violation of due process.

III. CONCLUSION

Because Wilson received the process that he was due, we AFFIRM the judgment of the district court.

JACKSON-AKIWUMI, *Circuit Judge*, dissenting. I agree with the majority's pronouncement that *Hill*'s "some evidence" standard applies where prison officials seek to deprive an inmate of his trust account funds by imposing restitution. *Ante*, at 5–6 (citing *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445 (1985)). I also agree with the majority that there is wisdom we can glean from our unpublished decisions in *Tonn v. Dittmann*, 607 F. App'x 589 (7th Cir. 2015), and *Lindell v. Pollard*, 681 F. App'x 518 (7th Cir. 2017). *See ante*, at 7–8. However, I write separately because I interpret *Hill* and our unpublished decisions to compel a different result: We should allow Wilson's complaint to move past the screening stage where it was dismissed, in my view, prematurely.

In *Hill*, the Supreme Court addressed whether a prison disciplinary board's revocation of good time credits violated due process if the decision was not supported by evidence in the record. 472 U.S. at 447. The Court held that it did and concluded that due process required "*some evidence* support[ing] the decision by the prison disciplinary board to revoke good time credits." *Id.* at 455 (emphasis added). Although the Court declined to adopt a "more stringent evidentiary standard," it clarified the "relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." *Id.* at 455–56. In other words, the "some evidence" must be tied to the board's ultimate conclusion. *See id.*

The imposition of restitution, which *Hill* does not address, presents a slightly different scenario than the revocation of good time credits. With the latter, the same evidence that supports the underlying

disciplinary charge will generally suffice as support for an accompanying revocation of good time credits. This is not always true for the imposition of restitution, which aims to repay the prison funds it lost because of an inmate's actions. *See*, *e.g.*, *Campbell v. Miller*, 787 F.2d 217, 224 (7th Cir. 1986) (involving restitution to "make[] good the damage [an inmate] has caused to prison property"). In my view, if we apply *Hill*'s guidance to the restitution context, a disciplinary board comports with due process if there is: (1) some evidence supporting the conclusion of guilt on the underlying charge and (2) some evidence supporting the conclusion to impose restitution.

This application of *Hill* finds support in our unpublished orders, *Tonn* and *Lindell*. Both panels of judges concluded that an inmate could plausibly allege a due process violation where prison officials offered no evidence (separate from evidence of the underlying charge) of the *actual* or *estimated* restitution amount imposed. *See* 607 F. App'x at 590 ("Tonn thus has a protected interest in his funds to the extent that they are not needed to reimburse the prison for expenses *that it has incurred or, by estimate, may incur* because of his rule violation." (emphasis added)); 681 F. App'x at 521 (allowing Lindell's allegations that an officer found him "guilty of misusing medication without any evidence backing that accusation or amount" to proceed (emphasis added)).

The majority finds Wilson's case distinguishable because, unlike the plaintiffs in *Tonn* and *Lindell*, Wilson attached to his complaint a report by prison staff that the injured inmate had to be transported to an outside hospital. *Ante*, at 8. The majority reasons that this report suffices as "some evidence" that the

prison incurred some costs. *Id.* at 8–9. I offer two reasons why I am not persuaded that this report meets even *Hill*'s low evidentiary bar.

First, were we to apply the majority's reasoning–that a prison merely has to present some evidence that it incurred some cost–to the context of criminal charges in disciplinary proceedings, it would run contrary to *Hill*'s central tenet that the evidence in the record support "the conclusion reached by the disciplinary board." 472 U.S. at 455–56. For example, say a disciplinary board charges an inmate with assaulting another inmate. Under *Hill*, the "some evidence" must support the underlying charge of assault, not just some charge. *Id.* Likewise, it is not enough for a prison to present "some evidence" that there were *some* costs. As the *Tonn* panel concluded, the evidence must be tied to the "actual or estimated losses arising from [the inmate's] violation." *See* 607 F. App'x at 590.

Second, evidence of a hospital visit is not "some evidence" of an amount owed or likely owed in restitution. Take *Lindell*, where a disciplinary board imposed restitution to recoup the costs of an inmate's hospital visit after he misused medication. 681 F. App'x at 521. Had evidence of the hospital visit been enough, as the majority proposes, then why would the *Lindell* panel nonetheless find it necessary that the prison provide "evidence backing that ... amount"? *Id.* I see one possible distinction in that the prison in *Lindell* imposed a specific restitution amount of "$1,870 for medical care," *id.* at 519, whereas Wilson was assessed restitution of "up to $100,000." Still, the fact that Wilson's imposed restitution was an estimate does not prove that the prison provided some evidence of that estimate.

Granted, the question before us takes us into unprecedented territory, but not one altogether unfamiliar to our court. Like the majority, I recognize the Supreme Court's low evidentiary standard for prison disciplinary board decisions in *Hill*.[1] *Ante*, at 6. At the same time, I read *Hill* to require that the "some evidence" be tied to a disciplinary board's ultimate conclusion. 472 U.S. at 455–56. In the restitution context, I, like the panels in *Tonn* and *Lindell*, interpret this to mean that disciplinary boards must uphold due process by providing "some evidence" of the actual or estimated loss, not just some loss. And this "some evidence" requirement applies even where, as here, medical bills are not yet available and even where, as here, the disciplinary board imposes a range for the restitution amount. The majority offers a possible, though narrower, interpretation of our circuit's unpublished decisions. In my view, this narrower interpretation does not comport with an application of *Hill*.

---

[1] The evidentiary standard is indeed low, but I hesitate to join the majority's suggestion that the disciplinary board's decision must be "plainly unreasonable." *Ante*, at 6. That language comes from *United States v. Kizeart*, where we held that "a defendant who challenges his sentence for violating supervised release [must] show that the sentence is plainly unreasonable." 505 F.3d 672, 674–75 (7th Cir. 2007). The *Kizeart* panel surmised that its holding (about challenges to penalties for supervised release violations) could "borrow" from the "judicial review of the sanctions imposed by prison disciplinary boards," and then noted that "[s]uch sanctions must indeed be 'plainly' unreasonable to be set aside." *Id.* at 675. Although the *Kizeart* panel employed this analogy, the decision offered no caselaw demonstrating that our circuit has adopted a "plainly unreasonable" standard in the prison disciplinary board context.

Not unreasonably, the majority leans into the prison policy on managing restitution. *Ante*, at 9. But, as I see it, whether the policy calls for more refined evidence at some point after the disciplinary hearing is beside the point. The disciplinary board's due process obligation to present "some evidence" of the actual or estimated loss arises before it imposes restitution. Otherwise, I fear today's decision will grant prisons a blank check for any restitution amount imposed at a disciplinary hearing. For these reasons, I respectfully dissent.

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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60604

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FINAL JUDGMENT

July 15, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*
CANDACE JACKSON-AKIWUMI, *Circuit Judge*
DORIS L. PRYOR, *Circuit Judge*

No. 22-3068	MALCOLM WILSON, Plaintiff - Appellant v. ANGELITA CASTANEDA, Defendant - Appellee
Originating Case Information:	
District Court No: 3:22-cv-00822-JD-MGG Northern District of Indiana, South Bend Division District Judge Jon E. DeGuilio	

Because Wilson received the process that he was due, we **AFFIRM** the judgment of the district court, with costs, in accordance with the decision of this court entered on this date.

Clerk of Court

APPENDIX C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MALCOM WILSON, Plaintiff, v. CASTANEDA, Defendant.	CAUSE NO. 3:22-CV-822-JD-MGG

OPINION AND ORDER

Malcom Wilson, a prisoner without a lawyer, filed a complaint. ECF 1. "A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson* v. *Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, under 28 U.S.C. 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. A plaintiff can plead himself out of court if he pleads facts that preclude relief. *See Edwards v. Snyder*, 478 F.3d 827, 830 (7th Cir. 2007); *McCready v. Ebay, Inc.*, 453 F.3d 882, 888 (7th Cir. 2006). In addition, the Federal Rules of Civil Procedure provide that "[a] copy

of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes." Fed. R. Civ. P. 10(c). When the plaintiff references and relies on it, "the contents of that document become part of the complaint and may be considered as such when the court [determines] the sufficiency of the complaint." *Williamson v. Curran*, 714 F.3d 432, 436 (7th Cir. 2013) (citations omitted).

Wilson alleges he received a conduct report for committing the offense of battery against another offender on April 26, 2022, while incarcerated at the Indiana State Prison. The conduct report, which is attached to his complaint, states:

> On April 28, 2022, I, Investigator C. Burke, was reviewing A Cell House camera footage for the date of April 26, 2022. During my review, I saw Offender Malcolm Wilson DOC #104959 run from the A Cell House south stairwell to the flag and attempt to take something from another offender. At 4:35am, Offender Wilson then pushed the offender who fell to the ground and was later sent to an outside hospital for his injuries.

ECF 1-1 at 2. A report of disciplinary hearing video evidence—also attached to the complaint—indicates the video showed Wilson running down the stairs and grabbing a cane from another offender. See *id*. at 3. During the struggle that ensued, the other offender fell to the ground and was later seen "doubled over in pain." *Id*.

The attached report of disciplinary hearing indicates a hearing was held on May 5, 2022, during which Wilson pleaded not guilty, arguing he was "defending my life I was about to be stabbed, I grabbed

the cane to defend my life." *Id.* at 4. He was found guilty by Lt. Castaneda based on the staff reports, physical evidence (consisting of "statements from staff, camera review, [and the] conduct report), and video evidence. *Id.* The written reason for the decision was "physical evidence supports the finding of guilt." *Id*. He was sanctioned with a loss of ninety days credit time, a demotion in credit class, and was fined "up to $100,000 dollars" for medical costs in restitution. *Id*. He filed a disciplinary hearing appeal arguing there was "nothing" to justify the restitution claim, but that appeal was denied on June 3, 2022. *Id.* at 7.[1] Wilson has sued Lt. Castaneda for violating the Fourteenth Amendment's Due Process Clause. He seeks an injunction to prevent Lt. Castaneda from taking any further restitution as well as compensatory and punitive damages.

The Fourteenth Amendment provides state officials shall not "deprive any person of life, liberty, or property, without due process of law...." U.S. Const. amend. XIV, § 1. Inmates have a property interest in the funds located in their prison accounts and, arguably, in the use of that account. *Campbell v. Miller*, 787 F.2d 217, 222–23 (7th Cir. 1986). While prison officials cannot deprive inmates of those funds without any due process, the Seventh Circuit has determined "[i]t is truly too much to require correctional officials to seek a criminal restitution order or a civil tort judgment before they may restrict

[1] Wilson also filed a separate habeas corpus petition in which he argued there was no evidence to support a finding of battery, but the court denied the petition finding, "[T]he claim that the hearing officer did not have sufficient evidence is not a basis for habeas relief." See *Wilson v. Warden*, 3:22-cv-709-DRL-MGG (N. D. Ind. Aug. 29, 2022) at ECF 5.

an inmate' use of his commissary account until he makes good the damage he has caused * * *." *Id*. at 224. That is because "[s]uch a requirement would delay implementation of, and hence, impair the efficacy of prison disciplinary measures. It would significantly increase the cost of prison administration and unduly burden courts with litigation which is essentially administrative in nature." *Id*. Instead, inmate accounts can be debited or frozen pursuant to restitution orders issued by prison disciplinary boards as long as the "procedural safeguards" at the disciplinary hearing are constitutionally adequate per *Wolff v. McDonnell*, 418 U.S. 539 (1974). *Id*. at 225.

Those procedural safeguards require: (1) advance written notice of the charges; (2) an opportunity to be heard before an impartial decision-maker; (3) an opportunity to call witnesses and present documentary evidence in defense, when consistent with institutional safety and correctional goals; and (4) a written statement by the fact-finder of evidence relied on and the reasons for the disciplinary action. *Wolff*, 418 U.S. at 563-73. To satisfy due process, before an inmate is deprived of a protected interest, there must be "some evidence" in the record to support the deprivation. *Superintendent, Mass Corr. Inst. v. Hill*, 472 U.S. 445, 455 (1985). Thus, when it has been determined an inmate challenging a restitution sanction "was afforded procedural due process consonant with the circumstances of his incarceration" pursuant to a disciplinary hearing related to that charge, he has not stated a valid Fourteenth Amendment claim. *Campbell*, 787 F.2d at 225; *but cf. Tonn v. Dittmann*, 607 Fed. Appx. 589 (7th Cir. 2015) (dismissal of inmate's due process claim was vacated because he "adequately alleged that the

restitution order was not supported by *any* evidence") (emphasis added).

Here, Wilson doesn't dispute he received advance notice and had a disciplinary hearing on the battery charge that led to the restitution order. He had an opportunity to defend himself by giving a statement to the hearing officer and requesting that physical evidence (namely, a video recording) be reviewed. The fact-finder rendered a guilty decision via written statement and included the reasons for it. Wilson disputes the conclusion he committed battery and complains there was "no evidence" to serve as the basis for the restitution sanction. However, the video recording report states Wilson attempted to grab a cane from an offender, a struggle ensued, and the offender fell to the floor. That offender was later seen "doubled over in pain." The conduct report further notes he pushed the offender who was sent to an "outside hospital for his injuries." Transporting an inmate to an outside hospital—an effort not plausibly untaken taken for minor injuries—undoubtedly incurs costs. Thus, there was some evidence in the record to support the restitution sanction. *See e.g. Webb* v. *Anderson*, 224 F.3d 649, 652 (7th Cir. 2000) ("[T]he findings of a prison disciplinary board [need only] have the support of some evidence in the record. This is a lenient standard, requiring no more than a modicum of evidence. Even meager proof will suffice, so long as the record is not so devoid of evidence that the findings of the disciplinary board were without support or otherwise arbitrary."). Accordingly, Wilson does not have a plausible Fourteenth Amendment claim regarding the imposition of the restitution sanction because he was afforded adequate due process in connection with it. *See Campbell*, 787 F.2d at 224, n.12 ("It is obvious that a *Wolff*-hearing, as was

conducted in Campbell's case, if sufficient for the revocation of good-time credits, must be so for the entry of the restitution and impoundment orders."); *Singh v. Gegare*, 651 Fed. Appx. 551, 555–56 (7th Cir. 2016) (inmate argued the restitution amount issued as part of a disciplinary sanction deprived him of due process, but the Seventh Circuit upheld the judgment noting, "His complaint isn't that he was deprived of process but that he disagrees with the outcome of his hearings. He does not deny that he had notice of the charges against him, that he received a hearing in each instance, and had an opportunity to defend himself. We conclude that there was no denial of due process.").

Wilson's complaint does not state any claims. "The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile." *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018). However, "courts have broad discretion to deny leave to amend where . . . the amendment would be futile." *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009). For the reasons previously explained, such is the case here.

For these reasons, this case is DISMISSED pursuant to 28 U.S.C. § 1915A because it does not state a claim.

SO ORDERED on October 24, 2022

/s/JON E. DEGUILIO
CHIEF JUDGE
UNITED STATES DISTRICT COURT

APPENDIX D

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

MALCOM WILSON, Plaintiff, v. CASTANEDA, *Lt., Correctional Officer* Defendant.	Civil Action No. 3:22-cv-822

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one):*

☐ the Plaintiff(s),_____recover from the Defendant(s)_____ damages in the amount of_____, plus post-judgment interest at the rate of_____%

☐ the plaintiff recover nothing, the action is dismissed on the merits, and the defendant recover costs from the plaintiff_____

☒ Other: This case is DISMISSED pursuant to 28 U.S.C. 1915A because it does not state a claim.

This action was (*check one):*

☐ tried to a jury with Judge _____ presiding, and the jury has rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision was reached.

☒ decided by Chief Judge Jon E. DeGuilio.

DATE: 10/24/2022

GARY T. BELL, CLERK OF COURT

by s/J. Barboza _____
Signature of Clerk or Deputy Clerk

APPENDIX E

United States Court Of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

September 5, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-3068

MALCOLM WILSON, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.
v.	No. 22-cv-822
ANGELITA CASTANEDA, *Defendant-Appellee.*	**Jon E. DeGuilio**, *Judge*.

O R D E R

Plaintiff-Appellant Malcolm Wilson filed a petition for rehearing and rehearing en banc on July 29, 2025. The Indiana Attorney General, as amicus curiae, filed a response to the petition on August 18, 2025. No judge in active service has requested a vote on the petition for rehearing en banc, and a majority of judges of the original panel have voted to deny panel rehearing.[1]

Accordingly, the petition for rehearing and rehearing en banc is DENIED.

[1] Judge Jackson-Akiwumi voted to grant the petition for panel rehearing.

APPENDIX F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MALCOM WILSON, Plaintiff, v. CASTANEDA, Defendant.	CAUSE NO. 3:22-CV-822-JD-MGG

OPINION AND ORDER

Malcom Wilson, a prisoner without a lawyer, filed a motion to reconsider the court's order dismissing his complaint for failure to state a claim. ECF 6. Because it was filed within 28 days of dismissal, it is construed as a motion to alter the judgment pursuant to Federal Rule of Civil Procedure 59(e). *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) and *Banks v. Chicago Bd. of Educ.*, 750 F.3d 663, 666 (7th Cir. 2014). "Altering or amending a judgment under Rule 59(e) is permissible when there is newly discovered evidence or there has been a manifest error of law or fact." *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006).

Before the motion to reconsider was ruled on, Wilson filed a notice of appeal. ECF 7. Once a notice of appeal is filed, district courts are generally divested of jurisdiction. *Hughes v. Farris*, 809 F.3d 330, 333 (7th Cir. 2015); *Ameritech Corp. v. Intl. Broth. of Elec.*

Workers, Loc. 21, 543 F.3d 414, 418 (7th Cir. 2008). However, district courts possess "limited authority" to rule on certain post-judgment motions during the pendency of an appeal. *Ameritech Corp.*, 543 F.3d at 418–19; *see also* Fed. R. Civ. P. 62.1(a) ("If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.").

Wilson alleges his Fourteenth Amendment due process rights were violated by the imposition of a restitution sanction of "up to $100,000 dollars" for medical costs associated with an altercation he had with another inmate. The court dismissed his complaint, finding that the factual allegations and attached documents Wilson had provided showed he was afforded adequate due process in connection with the sanction.[1] *See* ECF 3 at 2–5; *see also Campbell v. Miller*, 787 F.2d 217, 224 n.12 (7th Cir. 1986) ("It is obvious that a *Wolff*-hearing, as was conducted in Campbell's case, if sufficient for the revocation of good-time credits, must be so for the entry of the restitution and impoundment orders."); *but cf. Tonn v. Dittmann*, 607 Fed. Appx. 589 (7th Cir. 2015) (dismissal of inmate's due process claim was vacated because he "adequately alleged that the restitution order was not supported by *any* evidence") (emphasis added).

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[1] Specifically, both the video recording report and the conduct report provided "some evidence" in the record to support the restitution sanction. ECF 3 at 4–5.

In his motion, Wilson claims that the Indiana Department of Correction didn't incur any costs in connection with the other inmate's injuries and that he sought evidence of the bill but was told there was none.[2] ECF 6 at 2. Thus, he asserts, because no evidence of a bill was provided to him at the hearing, he has stated a plausible due process claim. In doing so, he relies heavily on *Tonn*, which he insists establishes that "evidence of a bill is absolutely necessary to support a restitution order." ECF 6 at 1.

Wilson's reading of *Tonn*, an unpublished case, is too broad. As set forth in detail in the court's dismissal order, Wilson submitted various documents with his complaint including a conduct report, a report of disciplinary hearing video evidence, and the report of disciplinary hearing itself that, together, establish Wilson was afforded due process.[3] Specifically, the court found:

> Wilson doesn't dispute he received advance notice and had a disciplinary hearing on the battery charge that led to the restitution order. He had an opportunity to defend himself by giving a statement to the hearing officer and requesting that physical evidence

---

[2] In the documents attached to his complaint, Wilson simply asserted he was "sanctioned ($100,000) without ever being shown a supposed bill to account for the restitution." ECF 1-1 at 9.

[3] The Federal Rules of Civil Procedure provide that "[a] copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes." Fed. R. Civ. P. 10(c). When the plaintiff references and relies on it, "the contents of that document become part of the complaint and may be considered as such when the court [determines] the sufficiency of the complaint." *Williamson v. Curran*, 714 F.3d 432, 436 (7th Cir. 2013) (citations omitted).

> (namely, a video recording) be reviewed. The fact-finder rendered a guilty decision via written statement and included the reasons for it. Wilson disputes the conclusion he committed battery and complains there was "no evidence" to serve as the basis for the restitution sanction. However, the video recording report states Wilson attempted to grab a cane from an offender, a struggle ensued, and the offender fell to the floor. That offender was later seen "doubled over in pain." The conduct report further notes he pushed the offender who was sent to an "outside hospital for his injuries." Transporting an inmate to an outside hospital—an effort not plausibly untaken taken (sic) for minor injuries—undoubtedly incurs costs. Thus, there was some evidence in the record to support the restitution sanction.

ECF 3 at 4–5.

To satisfy due process, before an inmate is deprived of a protected interest, there must be "some evidence" in the record to support the deprivation. *Superintendent, Mass Corr. Inst. v. Hill*, 472 U.S. 445, 455 (1985); *see also Wolff v. McDonnell*, 418 U.S. 539, 563–73 (1974). As emphasized in *Campbell*, "routine matters of prison discipline"—including restitution sanctions—are not akin to formal criminal or civil proceedings, and prisoners are not afforded a "full panoply of rights." *Campbell*, 787 F.2d at 224. This is because "[s]uch an intrusion on the administration and enforcement of a federal penitentiary's disciplinary regulations is unwarranted and ill-advised." *Id*. Citing to *Wolff*, the *Campbell* court recognized:

> Prison disciplinary proceedings . . . take place in a closed, tightly controlled environment peopled by those who have chosen to violate the criminal law and who have been lawfully incarcerated for doing so. . .. They may have little regard for the safety of others or their property or for the rules designed to provide an orderly and reasonably safe prison life. . .. Guards and inmates co-exist in direct and intimate contact. Tension between them is unremitting. Frustration, resentment, and despair are commonplace.
>
> It is against this background that disciplinary proceedings must be structured by prison authorities; and it is against this background that we must make our constitutional judgments.
>
> [T]here would be great unwisdom in encasing the disciplinary procedures in an inflexible constitutional straitjacket that would necessarily call for adversary proceedings typical of the criminal trial, very likely raise the level of confrontation between staff and inmate, and make more difficult the utilization of the disciplinary process as a tool to advance the rehabilitative goals of the institution.

Id. (citing *Wolff*, 418 U.S. at 561–63).

Here, Wilson claims he was not afforded due process when he was sanctioned with restitution because there was no evidence of a bill during the disciplinary process. He insists the court "unfairly construed the allegations in the complaint against him" because the hospital trip "may have never happened." ECF 6 at 2–3. However, as noted above,

the documents attached to the complaint—which were submitted and reviewed by the officer at the disciplinary hearing—indicate the offender "was" later sent to an outside hospital for his injuries, not that he may have been as Wilson speculates. This provides some evidence of costs associated with the incident and comports with due process. *See Wolff*, 418 U.S. at 563–73; *Hill*, 472 U.S. at 455. Despite Wilson's arguments otherwise, being *shown* a bill is not required. *See Tonn*, 607 Fed. Appx. at 590 (recognizing a distinction between a claim "asserting a right to *see* the evidence of costs," which does not necessarily implicate due process, and a claim that a "hearing was devoid of [any] such evidence," which can trigger due process concerns) (emphasis in original). Thus, in this particular case, the lack of availability of a bill is not a sufficient basis for reconsideration under Rule 59(e). *See Campbell*, 787 F.2d at 225 (when it has been determined an inmate challenging a restitution sanction "was afforded procedural due process consonant with the circumstances of his incarceration" pursuant to a disciplinary hearing related to that charge, he has not stated a valid Fourteenth Amendment claim).[4]

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[4] Of note, the Indiana Department of Correction Policy and Administrative Procedure Disciplinary Code for Adult Offenders, number 02-04-101 § IX(E)(3), provides that restitution may be imposed as a sanction for a disciplinary offense. With regard to restitution for medical expenses, footnote five of that section states:

> If it is not possible to determine the amount of medical restitution at the time of hearing due to ongoing medical treatment or a delay in receiving the medical bills, the Disciplinary Hearing Officer may assess a medical expense restitution sanction up to an estimated amount. . . . [A] Disciplinary Hearing Officer is encouraged to use his

Moreover, *Tonn* is distinguishable from the instant case. In *Tonn*, the plaintiff was found guilty of "misuse of prescription medication" because medication that had not been prescribed to him was found in his possession. *Tonn*, 607 Fed. Appx. at 590. He was sanctioned with ninety days of disciplinary segregation and the imposition of $1,350 in restitution. In his complaint, Tonn stated that the disciplinary committee ordered him to pay restitution "to compensate the institution for lost funds because of *other* inmate's DSH trips." *See Tonn v. Meisner*, cause no. 3:14-CV-481-jdp (West. Dist. of Wis. July 2,

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> or her own judgment and experience to determine the appropriate amount of an estimate. . . .

Id. As to the extraction of funds from a prisoner's account, that same footnote explains:

> [A] Disciplinary Hearing Officer shall make certain that appropriate facility personnel are aware of an ongoing medical restitution sanction, and that a hold is placed upon the offender's trust account if appropriate. A facility Warden or designee shall make certain that appropriate facility personnel track medical bills from a given event, and that the bills are accounted for and assessed against the subject offender and that the offender is appropriately notified when monies are withdrawn from the offender's trust account for purposes of payment of a medical restitution sanction.

Id. In his complaint, Wilson is not claiming that the defendants overcharged his prisoner trust account, that the hold should now be removed because the debt has been paid, or even that any money has actually been deducted. Rather, his complaint is based on his belief that the prison officials may not impose restitution against him because "[t]here was no evidence of any medical bills or any other bills" provided during the disciplinary hearing process to establish the exact amount of restitution. ECF 1 at 3.

2014) (complaint, ECF 1 at 3) (emphasis added).[5] Thus, Tonn alleged, the committee inappropriately relied on the costs attributed to others but had no evidence of any costs associated with his own infraction. *See id*. (complaint, ECF 1 at 4) ("[T]he only evidence relied on and submitted at the hearing and in the committee's decision was a written statement of the advocate void of any proof of a[n] institution loss and five (5) pages of medication information void of any proof of a[n] institution loss."). Of note, Tonn's complaint did not include any attachments from the disciplinary committee hearing or any other documentary evidence.

Here, in contrast, Wilson attached the various documents described above, which the court considered when determining the sufficiency of his claims. *See Williamson v. Curran*, 714 F.3d 432, 436 (7th Cir. 2013). In doing so, Wilson essentially pled himself out of court. *See Edwards v. Snyder*, 478 F.3d 827, 830 (7th Cir. 2007) (plaintiff can plead himself out of court if he pleads facts that preclude relief); *McCready v. Ebay, Inc.*, 453 F.3d 882, 888 (7th Cir. 2006) (same). Accordingly, this case is analogous to *Campbell*, the most relevant reported Seventh Circuit case on the issue, in which the inmate challenged his sanction for destroying property, but the Court of Appeals found that "[b]ecause he received an opportunity, under federal prison regulations, to rebut the charges against him, we hold that Campbell was afforded procedural due process consonant with the circumstances of his incarceration." *Campbell*, 787

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[5] *See also Tonn v. Meisner*, 669 Fed. Appx. 800, 801 (7th Cir. 2016) ("*Tonn II*") (noting that "the restitution amount was based on the costs of other inmates' trips to the hospital under similar circumstances.").

F.2d at 225; *see also Singh v. Gegare*, 651 Fed. Appx. 551, 555–56 (7th Cir. 2016) ("He does not deny that he had notice of the charges against him, that he received a hearing in each instance, and had an opportunity to defend himself. We conclude that there was no denial of due process.").

For these reasons, the court DENIES the motion to reconsider (ECF 6) pursuant to Fed. R. Civ. P. 62.1(a)(2).

SO ORDERED on April 12, 2023

/s/ Jon E. DeGuilio
CHIEF JUDGE
UNITED STATES DISTRICT COURT