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Appendix A

NONPRECEDENTIAL DISPOSITION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 June 30, 2026*

Decided July 7, 2026

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 26-1024

GUSTAV RYBURN,

Plaintiff,

v.

LLOYD ARNOLD, et
al.,

*Defendants-Appel-
lees.*

APPEAL OF: KRIS-
TEN DEMARJIAN

Appeal from the United
States District Court for
the Northern District of In-
diana, South Bend Divi-
sion.

No. 3:25-CV-1028-CCB-
SJF

Cristal C. Brisco,
Judge.

* We have agreed to decide the case without oral argument because the briefs 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).

Appendix A

O R D E R

Kristen Demarjian appeals the dismissal of a civil rights lawsuit that she filed on behalf of Gustav Ryburn, an Indiana prisoner whom she describes as her “next friend.” See 42 U.S.C. §1983. The district court dismissed the case without prejudice because Demarjian, a non-lawyer, could not represent Ryburn. We affirm.

According to the allegations of her complaint, which we accept as true, drawing all reasonable inferences in her favor, *Chaidez v. Ford Motor Co.*, 937 F.3d 998, 1004 (7th Cir. 2019), Demarjian is Ryburn’s long-term partner who acts as his power of attorney. The two began communicating regularly in 2021. Demarjian says that she prepared legal filings on Ryburn’s behalf, documented alleged retaliation by prison staff (at Miami Correctional Facility in Indiana), and reported alleged staff misconduct. Demarjian says that sometime in 2025, the Indiana Department of Correction revoked Ryburn’s phone, electronic messaging, and visitation privileges with her in retaliation for his reporting staff misconduct. She also alleged that the prison has prevented Ryburn from accessing the courts by obstructing his attorney visits, withholding legal materials, restricting law library access, and barring contact with Demarjian.

Demarjian then sued prison officials for denying Ryburn access to the courts in violation of the First, Eighth, and Fourteenth Amendments. See 42 U.S.C. §1983. She asserted that she had next-friend standing because the prison’s retaliatory

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conduct prevented Ryburn from litigating on his own. *See Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990). To ensure confidential legal communication, she also sought a temporary restraining order and preliminary injunction requiring prison officials to restore Ryburn’s communication privileges and transfer him temporarily to a federal facility.

The district judge dismissed the complaint without prejudice because Demarjian was not a lawyer and could not represent Ryburn. *See* 28 U.S.C. §1654. The judge ordered Demarjian not to file any further submissions on Ryburn’s behalf and advised that doing so would result in sanctions. The judge also directed the clerk to send Ryburn a copy of the pro se complaint form so that he could raise his claims pro se or through hired counsel.

After entry of judgment, Ryburn filed a proposed amended complaint. The judge, finding that Ryburn’s proposal did not allege any error in her dismissal order, declined to construe the submission as a postjudgment motion and instead directed that a new case be opened with the proposed amended complaint. *See Ryburn v. Arnold, et al.*, No. 3:26-cv-00015-HAB-AZ (N.D. Ind. Jan. 2, 2026). Ryburn has since submitted multiple filings in that case, and it is ongoing.

Demarjian appeals, but the defendants argue as a threshold matter that we lack jurisdiction to review this appeal because there was no final judgment as to all parties and claims. They maintain that the judgment was not final because Ryburn can fix the defect in his complaint and refile his complaint under a new case number. But while a dismissal without

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prejudice is not final if it amounts to only telling the plaintiff “to patch up the complaint, or take some other easily accomplished step,” *Taylor-Homes v. Cook Cnty. Pub. Guardian*, 503 F.3d 607, 610 (7th Cir. 2007) (internal quotation omitted), the judgment is final if it is clear that the district court is finished with the case and nothing can be done to revive it, *Gleason v. Jansen*, 888 F.3d 847, 852 (7th Cir. 2018).

Here the judge’s dismissal without prejudice was a final order insofar as it relates to Demarjian. To determine whether such a dismissal is a final appealable judgment, we look to the text of the order and the judge’s behavior. *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1020–21 (7th Cir. 2013). Though the judge directed Ryburn to open a new case, she indicated that she was through with Demarjian’s case when she ordered her not to file anything else on Ryburn’s behalf and cautioned her that doing so would court sanctions. *See Lauderdale-El v. Ind. Parole Bd.*, 35 F.4th 572, 576–77 (7th Cir. 2022). The judgment was final, and our appellate jurisdiction is secure.

As for the merits, Demarjian argues that the judge failed to address another threshold jurisdictional issue by not analyzing next-friend standing. It was harmless because, absent extremely narrow circumstances not applicable here, a next friend who is a non-lawyer may not litigate on behalf of another person. *See Elustra v. Mineo*, 595 F.3d 699, 706 (7th Cir. 2010).

AFFIRMED

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[Filed: Dec. 16, 2025]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GUSTAV RYBURN, by
next friend KRISTEN
DEMARJIAN

Plaintiff,

v.

LLOYD ARNOLD, et al.,
Defendants.

CAUSE NO.

3:25-CV-1028-CCB-SJF

ORDER

Kristen Demarjian, as next friend of Gustav Ryburn, a prisoner without a lawyer, filed a complaint and two motions. ECF 1, 2, and 3. Demarjian is not a lawyer and cannot represent Ryburn. *See* 28 U. S. C. §1654 (“[P]arties may plead and conduct their own cases personally or by counsel[.]”). For these reasons, the court:

- (1) **DISMISSES** this case **WITHOUT PREJUDICE** so Gustav Ryburn can raise these claims pro se or by counsel;
- (2) **DIRECTS** the clerk to send a copy of this order to Kristen Demarjian and a copy of this order with a **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** form to Gustav Ryburn, IDOC # 290842, at the Miami Correctional Facility;

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- (3) **ORDERS** Kristen Demarjian to not file anything else on behalf of Gustav Ryburn; and
- (4) **CAUTIONS** Kristen Demarjian she may be sanctioned if she files anything else on behalf of Gustav Ryburn.

SO ORDERED on December 16, 2025.

/s/ Cristal C. Brisco
CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT

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[Filed: Dec. 17, 2025]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

GUSTAV RYBURN, *next*)
friend Kristen Demarjian)
Plaintiff)

v.)

Civil Action No.

) 3:25-cv-1028

LLOYD ARNOLD, *Commis-*)
sioner, Indiana Department of)
Corrections)

WILLIAM WILSON, *Execu-*
tive Director of Adult Facili-
ties, Indiana Department of
Corrections

BRIAN ENGLISH, *Warden,*
Miami Correctional Facility

KELSI WILLIAMS, *ACA/Pol-*
icy Coordinator, Miami Cor-
rectional Facility

IDOC OFFICIALS, *Unknown*

Defendants

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JUDGMENT IN A CIVIL ACTION

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

☐ the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$____), which includes prejudgment interest at the rate of _____%, plus post-judgment interest at the rate of _____% per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____.

X other: This case is DISMISSED WITHOUT PREJUDICE so Gustav Ryburn can raise these claims pro se or by counsel.

This action was (*check one*):

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

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

X decided by Judge Cristal C. Brisco.

DATE: 12/17/2025 Chanda J. Berta, Clerk of Court

by s/E. Yike
Signature of Clerk
or Deputy Clerk

Appendix D.

[Filed: Jan. 6, 2026]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GUSTAV RYBURN

Plaintiff,

v.

LLOYD ARNOLD, et al.,

Defendants.

CAUSE NO.

3:25-CV-1028-CCB-SJF

ORDER

Gustav Ryburn, a prisoner without a lawyer, filed a complaint in this closed case. ECF 8. "If the plaintiff wants to amend his complaint following the entry of judgment, ... he may do so only after a motion under Rule 59(e) or 60(b) has been granted." *Abcarian v. McDonald*, 617 F.3d 931, 943 (7th Cir. 2010). Ryburn did not file such a motion. Sometimes, the court will construe an amended complaint as including such a motion, but doing so here would be futile. Though Ryburn mentions the dismissal order in his complaint, he does not explain why this case was wrongly dismissed as improperly filed by Kristen Demarjian. ECF 8.

The dismissal order directed the clerk to send Ryburn a blank Prisoner Complaint form so he could file a case for himself. ECF 5. It seems he did not understand that because he was sent a blank Prisoner Complaint form (rather than one with this case number on it), he was required to file a new case if he had

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claims he wanted to pursue. Ryburn has not established a basis for reopening this case, but because it appears he wants to pursue a case on his own behalf, the proposed amended complaint will be used to open a new case. If Ryburn does not want to proceed in the new case, he must promptly file (in that case) a motion to dismiss it.

For these reasons, the court:

- (1) **DECLINES** to construe the Proposed Amended Complaint (ECF 8) as including a Rule 59(e) or 60(b) motion; and
- (2) **DIRECTS** the clerk to open a new case with the Proposed Amended Complaint (ECF 8).

SO ORDERED on January 6, 2026.

/s/ Cristal C. Brisco

CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT

Appendix E

[Filed: Jan. 28, 2026]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

GUSTAV RYBURN,

Plaintiff,

v.

LLOYD ARNOLD, WIL-
LIAM WILSON, BRIAN
ENGLISH, KELSI WIL-
LIAMS, and IDOC OFFI-
CIALS,

Defendants.

CAUSE NO.

3:26-CV-15-HAB-AZ

OPINION AND ORDER

Gustav Ryburn, a prisoner without a lawyer, filed an amended complaint seeking injunctive relief “to restore his constitutionally required access to the courts.” ECF 10 at 22. “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.

Prisoners are entitled to access the courts. *Bounds v. Smith*, 430 U. S. 817, 824 (1977). However, access

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to the courts is limited to the "right to bring to court a grievance that the inmate wishe[s] to present[; it does not include the right] to discover grievances, and to litigate effectively once in court." *Lewis v. Casey*, 518 U. S. 343, 354 (1996). Ryburn alleges he has been denied law library access, but there is no "abstract, free-standing right" to the law library or to legal materials. *Lewis v. Casey*, 518 U. S. 343, 351 (1996). He alleges he has been denied access to the grievance process, but the lack of a functioning grievance process does not state a constitutional claim. *Grieverson v. Anderson*, 538 F. 3d 763, 770 (7th Cir. 2008). He says he is prohibited from dictating court filings to his friend, but his numerous, hand-written filings in this case demonstrate that does not prevent him from accessing the courts. Though writing may be slower than dictating, "a delay becomes an injury only if it results in actual substantial prejudice to specific litigation." *Johnson v. Barczak*, 338 F. 3d 771, 773 (2003) (quotation mark omitted).

Ryburn argues Exhibit 19 demonstrates the U. S. Department of Justice Civil Rights Division was unable to contact him. ECF 10 at 2. Exhibit 19 is an email which says:

Dear Kristen Demarjian,

You contacted the Department of Justice on December 4, 2025. Your report number is 680792-SLB. We previously received similar correspondence from you concerning this mater and we responded to that inquiry.

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There is nothing further we can add to our prior response and we sincerely regret that we cannot offer you further assistance concerning this matter.

Sincerely,
U. S. Department of Justice
Civil Rights Division

ECF 10-1 at 51. Nothing in this email makes any mention of being unable to contact Ryburn.

Ryburn argues Exhibits 14 and 18 demonstrate staff have repeatedly "refus[ed] to send attorney correspondence, fabricat[ed] or alter[ed] mail logs, return[ed] legal mail without cause, and prevent[ed] Plaintiff from sending legal documents altogether." ECF 10 at 8. Both of those exhibits are email exchanges between Kristen Demarjian and IDOC officials. In Exhibit 14, Demarjian says Ryburn was unable to make copies, that he was put in an isolation cell, that nurses look up his lawsuits and ask him about them, that nurses steal medication from inmates, that Ryburn lost weight, that Demarjian has complained about Ryburn's medical care, that Ryburn has been threatened with physical violence, and that nurse's yell at him and refuse him medication. ECF 10-1 at 37-38. In Exhibit 18, Warden Wilson says he will investigate the issues mentioned in Ryburn's emails that were forwarded to him by Demarjian. In those emails, Ryburn alleges staff at Pendleton are under federal investigation for attempting to have him killed, that Miami staff tell inmates when he is speaking to internal affairs, that inmates sell drugs,

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that Pendleton staff are under federal investigation for covering up illegal activity, that staff at Miami do not do their jobs and smuggle drugs, that the American Legion membership is limited to drug sellers and users, that he is denied the ability to send legal mail and that his legal mail is being read by prison staff, that his DD-214 was mishandled, that he needs to be placed on medical idol, that he is not receiving necessary medical treatment, that inmates improperly use staff access to email and the internet, and that he needs cleaning supplies. ECF 10 at 48-49. In this laundry list of complaints, there is only a single passing reference to his legal mail and it is no more specific than the amended complaint. These exhibits do not demonstrate that staff have interfered with his access to the courts.

Ryburn argues Exhibit 8 shows Kristen Demarjian has been prevented from emailing with him from November 20, 2025, to February 20, 2026. ECF 10 at 9. This is true, but his conclusion that this prevents him from accessing the courts is not true. Kristen Demarjian is not a court and the inability to communicate with her does not demonstrate that he is otherwise unable to access the courts.

Ryburn argues Exhibit 9 shows mail sent by the State appellate court was returned undeliverable because they were refused. ECF 10 at 10. The exhibit shows three pieces of mail were returned. ECF 10-1 at 24. Ryburn says he did not refuse this mail and "[t]hese manipulations did more than inconvenience him; they prevented him from participating in active litigation at all." ECF 10 at 10. It is unclear why

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the mail was not delivered to him, but is clear the return of these documents did not cause any prejudice to that appeal even before they were re-sent to him on November 12, 2025. ECF 10-1 at 24. The June 24, 2025, notice of case creation was returned, but that did not prevent him knowing the case had been created because he filed a motion for an extension of time the next month. ECF 10-1 at 24. The July 23, 2025, notice of defect and the July 23, 2025, notice of defect cured were returned, but neither prevented him from twice seeking and getting additional time to file a brief. *Id.*

Ryburn argues Exhibit 12 shows he missed a September 18, 2025, appointment with his attorney. ECF 10 at 10. This exhibit is a text exchange saying Ryburn was not brought to his 08:00 to 08:30 appointment. ECF 10-1 at 33. Ryburn says there were other missed appointments, but he does not say when or explain how he was prejudiced by any missed appointments other than by delay.

Ryburn argues Exhibit 11 shows “that Miami Correctional Facility’s internal operating procedure 02-01-103 directs staff to record attorney calls[.]” ECF 10 at 10. It does not. This exhibit is a filing by Kristen Demarjian in a State appeal filed by Ryburn. ECF 10-1 at 31. Though it says Ryburn told her the policy says to record attorney calls, this exhibit does not show such a policy exists. It merely documents that Demarjian submitted a filing in State court saying what Rayburn told her.

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Ryburn asks for injunctive relief “to restore his constitutionally required access to the courts.” ECF 10 at 22. However, his amended complaint does not plausibly allege facts showing that he has been denied constitutionally required access to the courts. A complaint must contain sufficient factual matter “to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact).” *Twombly*, 550 U.S. at 555 (quotation marks, citations and footnote omitted). “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not shown—that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (cleaned up). Thus, “a plaintiff must do better than putting a few words on paper that, in the hands of an imaginative reader, *might* suggest that something has happened to her that *might* be redressed by the law.” *Swanson v. Citibank, N.A.*, 614 F.3d 400, 403 (7th Cir. 2010) (emphasis in original).

If Ryburn believes he can state a claim based on (and consistent with) the events described in the amended complaint (ECF 10), he may file an amended complaint because “[t]he 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). To file an

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amended complaint, he needs to write this cause number on a **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** form which is available from his law library. He needs to write the words "Second Amended" on the first page above the title "Prisoner Complaint" and send it to the court after he properly completes the form.

For these reasons, the court:

- (1) DENIES the motion for temporary restraining order (ECF 14);
- (2) DENIES as MOOT the in forma pauperis motion (ECF 11) because Gustav Ryburn as already paid the filing fee;
- (3) GRANTS Gustav Ryburn until **February 27, 2026**, to file an amended complaint; and
- (4) CAUTIONS Gustav Ryburn if he does not respond by the deadline, this case will be dismissed under 28 U.S.C. §1915A without further notice because the current complaint does not state a claim for which relief can be granted.

SO ORDERED on January 28, 2026.

/s/ Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT

Appendix F

**UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT****FINAL JUDGMENT**

July 7, 2026

*Before*THOMAS L. KIRSCH II, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 26-1024	GUSTAV RYBURN, Plaintiff v. LLOYD ARNOLD, et al., Defendants – Appellees APPEAL OF: KRISTEN DE- MARJIAN
Originating Case Information:	
District Court No: 3:25-cv-01028-CCB-SJF Northern District of Indiana, South Bend Division District Judge Cristal C. Brisco	

The judgment of the District Court is **AFFIRMED**,
with costs, in accordance with the decision of this
court entered on this date.

/s/ Christopher Conway
Clerk of Court