

NONPRECEDENTIAL DISPOSITION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 January 7, 2025*

Decided January 21, 2025

BeforeAMY J. ST. EVE, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2515

JUSTIN FIELDS,
*Plaintiff-Appellant,**v.*LIBERTY HEALTHCARE
CORPORATION, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Central District of Illinois.

No. 4:22-cv-04050-CSB

Colin S. Bruce,
*Judge.***ORDER**

Justin Fields and three other civil detainees sued Liberty Healthcare Corporation and some of its employees, alleging that their operation of a civil detainee conditional release program, including the imposition of burdensome conditions of release, violates their First, Fifth, and Fourteenth Amendment rights. *See* 42 U.S.C. § 1983. The district court screened the initial complaint, 28 U.S.C. § 1915(e)(2), and dismissed it for failure to

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

state a claim. The district court dismissed the case after giving the plaintiffs two chances to amend the complaint, concluding that the allegations still did not state a plausible claim for relief. Only one plaintiff, Justin Fields, appeals. Because Fields has stated a plausible claim under the First Amendment, we vacate and remand.

In 2009, an Illinois court adjudicated Fields to be a sexually violent person after he served a three-year sentence for aggravated criminal sexual abuse. As a sexually violent person, Fields was subject to involuntary commitment and indefinite detention because the court found that there was a substantial probability that he would engage in acts of sexual violence. *See* 725 ILCS 207/5, /9, /20, /35. Fields was detained at Rushville Treatment and Detention Facility.

As a detainee, Fields must be provided with care and treatment designed to affect recovery and discharged once it is determined that he no longer presents a danger. *See id.* 207/40. As part of his detention, Fields became eligible for conditional release: a program that allows him to live in the community if he meets certain requirements. *See id.* 207/55(a). The conditional release program is operated by Liberty Healthcare Corporation, which imposes many conditions and rules on the participants and determines when participants violate them.

Fields was discharged on conditional release three times. First, beginning in March 2019, he was placed on conditional release in Springfield, Illinois, but was returned to Rushville after he attempted suicide in July 2020. He was released again in December 2020—this time in Chicago, closer to his family—but his conditional release was again revoked in December 2021 when he was caught with a smart phone. In May 2023, he was released again but has since been detained at Rushville.

During Fields's second re-detention in 2022, he and three other civil detainees at Rushville filed an initial complaint seeking relief on behalf of themselves and a putative class of others and asserting that Liberty Healthcare Corporation discriminated against African Americans in their operation of the conditional release program. The district court screened the complaint and dismissed it without prejudice because the plaintiffs' allegations were too conclusory to plausibly allege that their Fourteenth Amendment rights were violated. The district court also denied class certification because the plaintiffs did not have counsel to represent the proposed class and did not meet the requirements for class certification. The court allowed the plaintiffs to file an amended complaint that provided more factual details.

The plaintiffs then filed separate proposed amended complaints, which the district court dismissed because they were a “patchwork of partial allegations” that did not clearly state which allegations related to which parties. The court gave the plaintiffs one more chance to amend and to consolidate their allegations and claims for relief. The plaintiffs then filed a consolidated, proposed second amended complaint where they sought relief for violations of their individual constitutional rights, and no longer sought to represent a class.

The district court dismissed the proposed complaint for failure to state a claim. First, the district court observed that the plaintiffs premised their legal claims upon violations of Illinois state law and ruled that alleged violations of state law cannot support a claim under § 1983. *See Scott v. Edinburg*, 346 F.3d 752, 760 (7th Cir. 2003). Second, the district court concluded that the plaintiffs made only vague, conclusory statements about constitutional violations that were insufficient to state a claim under § 1983. The district court then entered judgment.

Fields was the only plaintiff to appeal. He argues that the district court overlooked his claims under the First, Fifth, and Fourteenth Amendments contained in his second proposed amended complaint. We review his challenge to the screening dismissal de novo, taking a fresh look at the allegations and construing them liberally. *See Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

In his second proposed amended complaint, Fields alleged that Liberty Healthcare Corporation imposed restrictions on his freedom that violated his rights under the Constitution. Fields asserted that he was completely restricted from using the internet and communicating with third parties who had not been vetted. Next, he maintained that his case managers, Joe Meister and Keir Goatley, compelled him to make incriminating statements to his mother and sister about “undiscovered” crimes in order to communicate with them. Fields also alleged that after he attempted suicide in July 2020, another case manager, Ron Gillette, transferred him from a mental-health hold at a hospital to Rushville, where Fields was placed in an isolation cell without clothes or a mattress for 15 days. Finally, Fields stated that he filed a motion to expand his conditions of release in state court, but Meister and Goatley coerced him into dropping the case by threatening to send him back to detention.

On appeal, Fields argues that the district court overlooked his plausible allegations that Liberty Healthcare and his case managers violated his rights under the Constitution. We agree in limited part. Fields has sufficiently alleged that Meister and Goatley violated his rights under the First Amendment. For the remaining allegations,

the district court correctly concluded that Fields failed to state a claim against Liberty Healthcare under the First Amendment, against Meister and Goatley under the Fifth Amendment, and against Gillette under the Fourteenth Amendment.

Fields first argues that he plausibly alleged that Meister and Goatley violated his First Amendment rights when they retaliated against him for challenging his conditions of release in state court. We agree. To state a First Amendment retaliation claim, Fields must plausibly allege that “(1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would likely deter First Amendment activity in the future; and (3) the First Amendment activity was ‘at least a motivating factor’ in the [d]efendants’ decision to take the retaliatory action.” *Whitfield v. Spiller*, 76 F.4th 698, 707–08 (7th Cir. 2023). Here, Fields filed a motion in state court to expand his conditions of release to authorize him to make and receive calls from his mother and to limit Liberty Healthcare and the Illinois Department of Human Services from compelling Fields to make incriminating statements to third parties. Fields alleged that he withdrew his motion only after Meister and Goatley threatened to return him to detention if he did not withdraw his motion. Engaging in legal proceedings is a protected activity that supports a First Amendment retaliation claim. *Bridges v. Gilbert*, 557 F.3d 541, 551–52 (7th Cir. 2009). And the threat of being returned to a detention center is a deprivation that would likely deter Fields from seeking to have his conditions of release changed by a state court in the future. *Whitfield*, 76 F.4th at 708. Fields also plausibly alleged that his filing of the motion in state court was the motivating factor for his case managers’ threats to send him back to detention.

Although Fields has plausibly alleged that Goatley and Meister violated his First Amendment rights, that plausible allegation does not extend to Liberty Healthcare Director Steve Bryant, Deputy Director Josh Shelton, and Conditional Release Agent William Beckett. Liability under § 1983 requires the personal involvement of each defendant in the alleged constitutional deprivation. *Est. of Perry v. Wenzel*, 872 F.3d 439, 459 (7th Cir. 2017). And Fields cannot hold these defendants liable without an allegation of personal involvement or simply because of their supervisory role over the other defendants. *Rasho v. Elyea*, 856 F.3d 469, 478 (7th Cir. 2017). Finally, because Fields did not argue that a policy or practice of Liberty Healthcare Corporation was the “moving force” behind his case managers’ alleged unconstitutional actions, the corporation is not a proper defendant on this claim. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694–95 (1978). On remand, the district court can order Fields to file an amended complaint to narrow his claim.

The district court correctly concluded that Fields's remaining allegations fail to state a claim. Fields argues that the district court overlooked his allegations that Liberty Healthcare violated his First Amendment rights by prohibiting him from accessing the internet in any manner, including in a job-related setting. We disagree. Fields must plausibly allege that the regulations on his internet access impinge on his constitutional rights and are not rationally related to the state's legitimate interest in rehabilitating civil detainees and protecting the public. *Lane v. Williams*, 689 F.3d 879, 884 (7th Cir. 2012) (applying *Turner v. Safley*, 482 U.S. 78, 89 (1987), to civil detainees); *see also Brown v. Phillips*, 801 F.3d 849, 853 (7th Cir. 2015). The conditions of conditional release programs must restrict civil detainees from contacting their victims and possessing illegal pornography. *See* 725 ILCS 207/40(5)(O), (T). In *Brown*, this court held that a ban on internet-capable devices at Rushville was rationally related to the state's interest in preventing detainees from contacting their victims and downloading illegal pornography. 801 F.3d at 855. Here, the conditions of release that Fields alleged violated his First Amendment rights specifically ban internet-capable devices. Because Fields is still a civil detainee while he is on conditional release, the state's interest in protecting the public and preventing crime remains the same. And preventing Fields from using internet-capable devices that he could use to contact his victims or download illegal pornography is rationally related to that interest.

Fields also argues that the requirement that his visitors be vetted with background checks unduly burdened his freedom of speech. We disagree. Fields must plausibly allege that the regulations requiring background checks for his visitors impinge on his constitutional rights and are not related to the state's legitimate interest in rehabilitating civil detainees and protecting the public. *Lane*, 689 F.3d at 884; *see also Brown*, 801 F.3d at 853. Here, Fields does not provide enough facts from which we could plausibly conclude that the background check is not rationally related to the state's legitimate interest in protecting the public and ensuring that Fields's rehabilitation is not impeded by visitors with criminal histories related to sexual violence.

Next, Fields argues that he plausibly alleged that his right against self-incrimination under the Fifth Amendment was violated because his case managers forced him to disclose "undiscovered" crimes to his mother and sister in order for them to visit him and talk to him on the phone. We disagree. To allege a violation under the Fifth Amendment, Fields must demonstrate that the disclosures to which he objects are testimonial, incriminating, and compelled. *Lacy v. Butts*, 922 F.3d 371, 375 (7th Cir. 2019) (citing *Hiibel v. Sixth Jud. Dist. Ct. of Nev.*, 542 U.S. 177, 189 (2004)). The privilege against

self-incrimination protects against disclosures a person “reasonably believes could be used in a criminal prosecution or could lead to other evidence that might be so used.” *Kastigar v. United States*, 406 U.S. 441, 445 (1972). But it only “protects against real dangers, not remote and speculative possibilities.” *Zicarelli v. N.J. State Comm’n of Investigation*, 406 U.S. 472, 478 (1972). Here, Fields alleges generally that the disclosures to his mother and sister would result in the information going to the police. Without more, Fields’s allegation that disclosure to his close family members would result in prosecution is too speculative to state a claim under the Fifth Amendment.

Fields also argues that he plausibly alleged that his case manager, Ron Gillette, violated his Fourteenth Amendment rights by confining him to a cell without clothes and a mattress for 15 days after Fields attempted suicide. We disagree. As a civil detainee, Fields is protected from cruel and inhumane treatment by the Due Process Clause of the Fourteenth Amendment. *Echols v. Johnson*, 105 F.4th 973, 977 (7th Cir. 2024). To state a claim, Fields must plausibly allege that his confinement to a cell without clothes and a mattress was not rationally related to a legitimate, nonpunitive purpose or excessive in relation to that purpose. *Davis v. Wessel*, 792 F.3d 793, 800 (7th Cir. 2015) (discussing *Bell v. Wolfish*, 441 U.S. 520, 561 (1979)). Here, Fields alleged that after his suicide attempt, he was put on a mental-health hold at St. John’s Hospital but was then transferred by Gillette to Rushville where he was put in a cold isolation cell without clothes or a mattress for 15 days.

Restricting Fields from having items, like clothes and a mattress, that he could use for self-harm is rationally related to the legitimate government purpose in preventing Fields from attempting suicide for a second time. And Fields does not provide further details about when he stopped being at risk of self-harm or when the isolation without clothes and a mattress became excessive. Fields implied that the isolation was unreasonable the moment he was transferred back to the detention center. But Fields also stated that he was put on a 72-hour mental-health hold at St. John’s Hospital and was transferred before the hold expired. Regardless, Fields does not provide enough facts to plausibly allege that his confinement in a cell without clothes and a mattress violated his rights under the Fourteenth Amendment.

Finally, to the extent that Fields argues that the district court erred by denying class certification, we disagree. The district court acted well within its discretion when it denied class certification because the plaintiffs did not have counsel to represent the proposed class, *see Howard v. Pollard*, 814 F.3d 476, 478–79 (7th Cir. 2015), and did not

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meet the requirements for class certification, *see McFields v. Dart*, 982 F.3d 511, 515–519 (7th Cir. 2020); FED. R. CIV. P. 23(a).

Accordingly, we VACATE the judgment and REMAND for further proceedings consistent with this order.