

NONPRECEDENTIAL DISPOSITION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 March 28, 2025*

Decided March 31, 2025

BeforeFRANK H. EASTERBROOK, *Circuit Judge*KENNETH F. RIPPLE, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*

No. 23-2791

MACS BELL,
*Plaintiff-Appellant,**v.*STATE OF INDIANA,
*Defendant-Appellee.*Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:23-cv-00144-MPB-KMB

Matthew P. Brookman,
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).

O R D E R

Macs Bell, an Indiana prisoner serving sentences for several sex offenses, appeals the judgment dismissing his complaint, which challenged the constitutionality of Indiana's Sex Offender Registration Act (SORA). IND. CODE §§ 11-8-8-1 to -23. We affirm.

Bell sued the State of Indiana under 42 U.S.C. § 1983, alleging that SORA violates the separation of powers doctrine, the Ex Post Facto Clause of Article 1 of the Constitution, and the Due Process and Equal Protection clauses of the Fourteenth Amendment; and that state-court judges have conspired to commit fraud by ruling that SORA was constitutional. The district court screened Bell's complaint and dismissed it for failure to state a claim. The court explained that the named defendant—the State of Indiana—was not a suable “person” under § 1983; that this court already had ruled that SORA does not violate the Ex Post Facto or Equal Protection clauses, *see Hope v. Comm'r of Ind. Dep't of Corr.*, 66 F.4th 647, 649, 651 (7th Cir. 2023); and that Bell did not allege facts that would lead to a plausible inference that SORA violates his due process rights or any other constitutional rights. The court then ordered Bell to show cause why his suit should not be dismissed.

Bell responded by filing an amended complaint that reprised his constitutional challenges to SORA and his assertion that Indiana state-court judges conspired to commit fraud by continuing to rule that SORA was constitutional. He also named as defendants the Indiana Department of Correction and its commissioner.

The district court dismissed the complaint for failure to state a claim. The court concluded that *Hope* controlled the outcome of this case. It added that the outcome would not change even if Bell had named the proper defendants, such as state-court judges, prosecutors, and public defenders, who Bell believes are responsible for SORA's alleged unconstitutionality, given (1) the immunity afforded to judges and prosecutors for actions performed in their professional capacity and (2) the inapplicability of § 1983 to lawyers when they perform their traditional role as counsel.

On appeal, Bell does not engage the district court's reasons for dismissing the suit and instead continues to argue that SORA is unconstitutional. But the district court correctly ruled that the State of Indiana—and by extension its agency, the Department of Correction—is not a not a suable “person” within the meaning of § 1983. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 64 (1989); *de Lima Silva v. Dep't of Corr.*, 917 F.3d 546, 565

No. 23-2791

Page 3

(7th Cir. 2019). Bell also named as a defendant Christina Reagle, commissioner of the Department of Correction, but liability under § 1983 requires personal involvement, *see Gonzalez v. McHenry County*, 40 F.4th 824, 828 (7th Cir. 2022), and Bell does not allege that Reagle was personally involved in any constitutional violation against him.

AFFIRMED