

NONPRECEDENTIAL DISPOSITION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 12, 2025*

Decided June 13, 2025

BeforeDIANE S. SYKES, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-2595

LIONEL GIBSON,
*Plaintiff-Appellant,**v.*STEVEN DONALDSON and JACK
HENDRIX,
*Defendants-Appellees.*Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:21-cv-02742-JMS-CSW

Jane Magnus-Stinson,
*Judge.***ORDER**

Lionel Gibson, an Indiana prisoner, sued prison officials, asserting that they failed to protect him from being attacked by other prisoners, in violation of his Eighth Amendment rights. The district judge rejected his claims and entered summary judgment against him. We affirm.

* 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).

We draw our account from the summary judgment record, which we view in the light most favorable to Gibson, the nonmoving party. *See Thomas v. Blackard*, 2 F.4th 716, 720 (7th Cir. 2021). While incarcerated at Wabash Valley Correctional Facility in 2013, Gibson—who had been a member of a street and prison gang, the Gangster Disciples—began working as a confidential informant. His status as an informant was exposed the following year when a prison shift supervisor, Steven Donaldson, divulged the information to another prison-gang member, William O'Brian. O'Brian then disseminated it to other gang members within the prison system, including Calvin Lyons.¹ Gibson requested a facility transfer for his safety. Jack Hendrix (the Indiana Department of Correction's executive director of classification) received an email from Wabash Valley's superintendent, Richard Brown, asking to expedite Gibson's transfer because Gibson had safety concerns at the prison. The email did not note Gibson's prior involvement in a prison gang, nor did it identify any prisoners as potential risks to Gibson's safety. Hendrix responded that Gibson would be transferred imminently. Shortly thereafter Gibson moved to Westville Correctional Facility. In 2016, Gibson was transferred to New Castle Correctional Facility. There he was attacked by two prisoners, purportedly because of his informant status. He was transferred to Miami Correctional Facility later that year.

In 2019, Gibson was joined in Miami by two of his former fellow prisoners from Wabash Valley—Lyons and O'Brian—along with a third prisoner, J.B. Whitelow. Gibson told his counselor and caseworker at Miami that Lyons and O'Brian knew of his history as an informant and were planning to harm him. Prison staff offered to place Gibson in restrictive housing for his safety, but he refused because he wanted to continue attending college classes at the prison. Later that day, however, Gibson was physically assaulted. He was ambushed and stabbed multiple times by Lyons, O'Brian, Whitelow, and other prisoners. One stabbing was to his left eye. After receiving treatment, Gibson was placed in statewide protective custody.²

¹ It is not clear from the record whether Lyons and O'Brian are members of the Gangster Disciples or another gang.

² In a separate lawsuit, Gibson sued his counselor and caseworker, arguing that they failed to take reasonable steps to ensure his safety, in violation of his Eighth Amendment rights. *See Gibson v. Fox*, No. 24-2055, 2025 WL 586833, at *1–2 (7th Cir. Feb. 24, 2025). The district judge in that case granted the defendants' motion for summary judgment based on a failure of proof, and we affirmed. *See id.*

In 2015, Gibson sued three officials at Wabash Valley concerning his exposure as a confidential informant: Brown, the superintendent; Donaldson, the shift supervisor; and Robbie Marshall, a counselor. The suit alleged that the officials failed to protect him from being exposed as an informant, in violation of his Eighth Amendment rights. *See* 42 U.S.C. § 1983. In 2018, the district judge in that case entered summary judgment for Brown and denied summary judgment for Donaldson and Marshall. Gibson then settled the case with Donaldson and Marshall.

Gibson then brought this wide-ranging § 1983 suit in 2021, asserting violations of his Eighth Amendment rights stemming from his 2019 attack. He sued his attackers (Lyons, O'Brian, and Whitelow) and the three prison officials who he claimed had arranged the transfer of the prisoners for the purpose of facilitating the attack (Donaldson, Hendrix, and Marshall). Invoking Indiana state law, he also asserted that all three officials acted negligently and that Donaldson and Marshall had violated the terms of the settlement from the prior litigation.

At screening under 28 U.S.C. § 1915A, the district judge dismissed Gibson's claims against the three prisoner defendants, none of whom was acting under color of state law for purposes of § 1983. The judge allowed Gibson to proceed on all other claims. (The judge later allowed Gibson to voluntarily dismiss Marshall from the case.)

Thereafter, the district judge granted Hendrix's and Donaldson's motion for summary judgment. The judge concluded that Gibson failed to present evidence that Hendrix knew of the relationship between Gibson and the prisoners who attacked him. Nor was there evidence, the judge added, that Donaldson had any personal involvement in the transfer to Miami of either Gibson or his attackers. The judge relinquished supplemental jurisdiction over Gibson's state-law claims.

On appeal, Gibson first challenges the entry of summary judgment for Hendrix. Gibson maintains that Hendrix, given the circumstances, reasonably should have known that he, Gibson, faced risk of harm. Hendrix knew, for instance, that he was a confidential informant and that his informant status had been exposed to other prisoners. And in the process of investigating whether Gibson should be transferred to another prison, Hendrix must have learned that he had been a gang member and that his safety would be threatened by the arrival of O'Brian and Lyons, whose transfers Hendrix also approved.

But the district judge correctly entered summary judgment because Gibson

presented no evidence to suggest that Hendrix had actual knowledge that Gibson's safety was at risk. To prevail on his claim that Hendrix violated his Eighth Amendment rights, Gibson had to establish that Hendrix had actual—not constructive—knowledge that he was at a substantial risk of harm and failed to take reasonable efforts to protect him. *See Farmer v. Brennan*, 511 U.S. 825, 832–34 (1994); *LaBrec v. Walker*, 948 F.3d 836, 841 (7th Cir. 2020). Although Hendrix was made aware—in the email requesting Gibson's transfer from Wabash Valley—of Gibson's status as a confidential informant, Gibson did not provide any evidence to suggest that Hendrix knew that Gibson was a former gang member; that Lyons, O'Brian, and Whitelow wished to harm Gibson because of his informant status; or that Gibson had entered into a prior settlement with Donaldson and Marshall. There is also no evidence that Hendrix knew of any ongoing concerns about Gibson's safety after his transfer from Wabash Valley, including his attack at New Castle.

Gibson also contends that he raised a triable issue against Donaldson because Donaldson, by failing to protect Gibson's identity as an informant in 2014, created the conditions that led to his attack. Gibson argues that Donaldson's disclosure was intentional and placed him under a continuous threat of harm that culminated in the 2019 attack.

But the district judge rightly concluded that Gibson failed to introduce evidence of Donaldson's involvement in his transfer—or that of his attackers—to Miami. *See Gonzalez v. McHenry Cnty.*, 40 F.4th 824, 828 (7th Cir. 2022) (affirming dismissal of § 1983 claim against police officer where complaint “contained no cognizable assertion” of officer's personal involvement in alleged violation of plaintiff's rights). Indeed, Gibson presented no evidence suggesting that Donaldson was even aware that he, Lyons, O'Brian, and Whitelow were transferred to the same facility.

Next, Gibson asserts that the district judge abused her discretion by relinquishing supplemental jurisdiction over his breach-of-contract and negligence claims under state law. He argues that Donaldson plainly breached the settlement agreement by failing to place him in an “honor dorm” that would have been safer than the “idle” housing he resided in at the time of the 2019 attack. And he contends that the evidence he presented to support his claims under the Eighth Amendment suffices to support findings of negligence against Hendrix and Donaldson.

The district judge properly relinquished jurisdiction over these state-law claims. When, as here, the federal claims in a federal court are dismissed before trial, there is a

No. 24-2595

Page 5

presumption that the court will relinquish federal jurisdiction over any supplemental state-law claims. *RWJ Mgmt. Co. v. BP Prods. N. Am., Inc.*, 672 F.3d 476, 479 (7th Cir. 2012). That presumption may be displaced in certain circumstances, including when it is “absolutely clear” how the supplemental claims can be decided. *Id.* at 480. But the judge appropriately exercised her discretion by concluding that resolution of the state-law claims was “not absolutely clear” and best left to the Indiana courts.

Finally, Gibson contends that his counsel rendered ineffective assistance by failing to adequately communicate with him or even comprehend the complexities of his case. But there is no constitutional right to effective assistance of counsel in a civil case. *See Black v. Wrigley*, 997 F.3d 702, 712 (7th Cir. 2021).

AFFIRMED