

NONPRECEDENTIAL DISPOSITION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 February 24, 2025*

Decided February 24, 2025

BeforeMICHAEL B. BRENNAN, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-2686

ANTWON MANNING,
*Plaintiff-Appellant,*Appeal from the United States District
Court for the Southern District of Illinois.*v.*

No. 24-cv-01223-SMY

RYAN A. KILDUFF,
*Defendant-Appellee.*Staci M. Yandle,
*Judge.***ORDER**

Antwon Manning, an Illinois prisoner, sued a member of the Administrative Review Board (the authority that reviews grievances for the Illinois Department of Corrections) under 42 U.S.C. § 1983. Manning alleged that the member interfered with his attempt to exhaust administrative remedies in violation of his Fourteenth Amendment rights. The district court dismissed Manning's suit. It ruled that, even if the Board member had prevented exhaustion, he did not interfere with Manning's ability to

* The appellee was not served with process and is 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).

sue in court and thus did not violate his constitutional rights. Further, the court ruled that no amendment could cure that fatal defect. Because the Board member did not interfere with Manning's access to the courts or deprive Manning of any other interest protected by the Constitution, and because Manning has not proposed any amendment that could cure the defects of his complaint, we affirm.

We accept the facts alleged in Manning's complaint as true and view them in the light most favorable to him. *Thomas v. Neenah Joint Sch. Dist.*, 74 F.4th 521, 522 (7th Cir. 2023). Manning, who is housed at Shawnee Correctional Center in Vienna, Illinois, filed a grievance contesting a disciplinary ticket and the subsequent punishment he received after verbally clashing with a guard. Two weeks later, Manning had not received a response from the prison's grievance officer, and he concluded that his grievance had been thrown away by guards. Manning rewrote the grievance and sent it to the Administrative Review Board, asserting that his initial grievance was discarded and requesting that the Board either review the grievance or direct the prison's grievance officer to do so. A member of the Board returned Manning's grievance. The Board member indicated that Manning needed to obtain and attach responses from the administrators at his prison before he could appeal to the Board.

Manning sued the Board member, alleging that the Board member's refusal to act on the grievance violated Manning's Fourteenth Amendment rights. The district court screened the complaint under 28 U.S.C. § 1915A. It construed Manning's suit as raising an access-to-the-courts claim because Manning alleged that the Board member prevented him from exhausting his administrative remedies (a step required by the Prison Litigation Reform Act before prisoners may sue). So construed, the court dismissed Manning's suit for failure to state a claim. It reasoned that Manning was not deprived of his access to the courts because when a prison makes administrative remedies unavailable, the exhaustion requirement is waived, permitting Manning to sue. Further, the court added, a prison's mishandling of grievances does not violate a prisoner's right to due process. Finally, because amending would be futile, the court dismissed the case with prejudice.

On appeal, Manning challenges the suit's dismissal, a ruling that we review de novo. See *Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020). He raises two arguments. First, he contends that the district court misconstrued his claim to allege interference with court access. He insists that, instead, he alleged a claim under the Fourteenth Amendment's right to due process because the Board member prevented him from accessing the grievance procedure. But a prison's grievance procedure is not

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in itself a liberty interest; therefore the loss of the opportunity to file a grievance does not violate a prisoner's right to due process under the Fourteenth Amendment. *See Owens v. Hinsley*, 635 F.3d 950, 953 (7th Cir. 2011); *Antonelli v. Sheahan*, 81 F.3d 1422, 1430 (7th Cir. 1996). For completeness, we observe that Manning does not allege (or propose to allege) that the Board member's response to his grievance forced Manning "to face risks that could be averted by faithful implementation of the grievance machinery." *See Burks v. Raemisch*, 555 F.3d 592, 595 (7th Cir. 2009). Thus he has no claim under an Eighth Amendment theory either. *See id.*

Manning next argues that the district court abused its discretion by not allowing him the opportunity to amend his complaint. District courts have broad discretion to deny leave to amend when amendment would be futile. *Esco v. City of Chicago*, 107 F.4th 673, 683 (7th Cir. 2024). Because our case law refutes Manning's argument that his allegations state a claim, and he does not propose any curative allegations, the district court did not abuse its discretion.

AFFIRMED