NONPRECEDENTIAL DISPOSITION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 May 5, 2026*
Decided May 5, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 25-3285

ROBERT BETTIS,
Plaintiff-Appellant,

v.

PAUL NOVAK, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 25 cv 03618

Sunil R. Harjani,
Judge.

O R D E R

Robert Bettis alleges that he was abused as a ward of the Illinois Department of Children and Family Services and that his court-appointed guardians ad litem did not seek to remove him from abusive residences. He sued those guardians, contending that

* 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).

they conspired to violate his rights under the constitution. The district court dismissed his case at screening because the defendants were immune from liability. 28 U.S.C. § 1915(e)(2)(B)(iii). Regardless of immunity, we conclude that he failed to state a claim, *id.* § 1915(e)(2)(B)(ii), and we therefore affirm the judgment.

We accept as true the facts alleged in Bettis's complaint. *Shaw v. Kemper*, 52 F.4th 331, 333 (7th Cir. 2022). Bettis was a ward of the Department of Children and Family Services from 2005 through 2019. In that time, he alleges he was abused by his caretakers and other third parties and otherwise mistreated by the Department. He was first placed in a foster home where the foster parent's son sexually abused him. In a second foster home, his foster parent beat him. In 2011 and again in 2013, he was sent to a mental hospital and medicated without his consent. From 2013 through 2014, he was placed in a residential program, where other residents sexually abused him. From 2017 through 2018, he was placed in another residential program, where he was deprived of food and medicine. And in 2018, the Department began the process to emancipate Bettis from the wardship but failed to provide services that he believes were required by Illinois law.

Defendants Paul Novak, Kathy Gordon, and Barbara Hayward were lawyers working for the Lake County Public Defender's Office. Each was appointed to serve, according to Bettis, as both his attorney and as a guardian ad litem. (His filings do not explain when any of them were appointed or when they ceased working on his matter.) According to Bettis, in the course of their work, the defendants participated in various hearings and administrative meetings where they were told, by people not identified in the complaint, of his allegations of abuse. But Bettis says they refused to take certain ameliorative actions, such as demanding that he be removed from those abusive environments, despite a duty to represent his best interests.

Bettis filed this suit in 2025. In his original complaint, he sued these defendants under 42 U.S.C. § 1983, alleging that their failure to act violated his due-process and equal-protection rights under the Fourteenth Amendment. The district court screened his suit and dismissed with leave to amend because, as guardians, the defendants were shielded by absolute judicial immunity. *See* 28 U.S.C. 1915(e)(2)(B)(iii).

Bettis filed an amended complaint with substantively the same factual background, now contending that the defendants' actions were part of a conspiracy to deprive him of his constitutional rights in violation of 42 U.S.C. § 1985(3). The district court again dismissed the complaint with leave to amend. The court concluded that he did not allege facts that could demonstrate that the defendants entered an agreement to violate his rights, nor did he include facts suggesting that they had an impermissible motive to discriminate. Further, the court directed Bettis to explain in his next complaint whether the defendants were guardians or if they were instead his attorneys, in which case they might not be immune.

In his second amended complaint, Bettis added allegations that the defendants participated in meetings and other court proceedings, suggesting that this amounted to a conspiracy against him. He also alleged that the defendants sought relief for non-Black wards, evincing their racial animus against Black children like him. He claimed that the defendants violated his rights under the constitution, *see* 42 U.S.C. § 1983; conspired to violate those rights, *see id.* § 1985(3); and neglected to prevent a conspiracy to violate his rights, *see id.* § 1986. He also added state-law claims for negligence and intentional infliction of emotional distress.

The district court dismissed this complaint solely based on immunity. Although the complaint referred to the defendants as "court-appointed attorneys," the court concluded that the relief Bettis wanted could only have been obtained through their duties as guardians. Because the defendants were immune as guardians, the court determined that it would be futile to amend the complaint to plead the federal-law claims, and the court thus dismissed those claims with prejudice. The court dismissed the state-law claims without prejudice so he could pursue them in state court.

On appeal, Bettis maintains that the defendants were not immune for concealing these abuses and abandoning their duties to him. He primarily argues that the defendants' malicious intent stripped them of immunity. But accusations of malice or "retaliatory purpose," no matter how forcefully made, cannot defeat absolute judicial immunity. *See Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Myrick v. Greenwood*, 856 F.3d 487, 488 (7th Cir. 2017).

Bettis fares better with his argument that the defendants can be sued in their capacity as public defenders. As the district court recognized, although guardians are immune from damages when their role is to serve the court, *Cooney v. Rossiter*, 583 F.3d 967, 970 (7th Cir. 2009), we have also contemplated that if a court-appointed lawyer acts as both a child's attorney and as an agent of the court, he might not be immune for actions performed in his capacity as the child's attorney, *Golden v. Helen Sigman & Assocs., Ltd.*, 611 F.3d 356, 361 (7th Cir. 2010). Indeed, under Illinois law, a lawyer can serve both roles for a ward of the state. *See* 705 ILCS 405/1-5(1). Many of Bettis's allegations—e.g., the defendants' failure to "file emergency motions," to "petition for sanctions," or to "otherwise advocat[e] to prevent further harm"—appear to straddle this fine line between a lawyer's duties as guardian and as attorney. We will therefore assume, without deciding, that if the defendants had taken the actions that Bettis wishes they had, they would have been acting as his attorneys and would not be immune.

Bettis's complaint nonetheless fails to state a claim. Insofar as they were his attorneys, the defendants were not themselves acting under color of state law. *See Polk County v. Dodson*, 454 U.S. 312, 325 (1981). They can be liable under §§ 1983 or 1985, then, only if they conspired with a person acting under color of state law—here officials in the Department. *See Tower v. Glover*, 467 U.S. 914, 920 (1984) (§ 1983); *Milchtein v. Milwaukee County*, 42 F.4th 814, 827 & n.4 (7th Cir. 2022) (§ 1985). To plead the existence of a conspiracy, Bettis needed to allege that the defendants and the Department officials "reached an understanding … to deny" him his constitutional rights. *Scott v. Univ. of Chi. Med. Ctr.*, 107 F.4th 752, 758 (7th Cir. 2024) (alteration in original) (quoting *Wilson v. Warren County*, 830 F.3d 464, 468 (7th Cir. 2016)). Those allegations must be based on facts "suggest[ing] that an agreement was made," not a mere conclusion that people entered an agreement. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007); *see also Cooney*, 583 F.3d at 971.

Bettis has not provided any facts suggesting that the defendants agreed with Department officials to deprive him of his constitutional rights. He alleged that the defendants sometimes met with unnamed third parties during court hearings and administrative meetings, but he never alleged that the defendants entered an overt agreement with state officials to violate his constitutional rights. He instead argues that the defendants' purported "pattern of suppression, concealment, and abandonment" of their duties creates a plausible inference that they agreed with state officials to violate Bettis's rights. This allegation of mere inaction, or even indifference, in the face of potential constitutional violations does nothing to suggest an agreement to affirmatively violate his rights. At best, Bettis suggests that the defendants ratified misconduct by the Department and his abusive caretakers by ignoring his allegations. But ratification is far from conspiracy. *See Scott*, 107 F.4th at 758 ("Merely working in parallel toward 'a common goal' is not the same as conspiring together." (citation omitted)).

We add that Bettis's complaints also do not allow a reasonable inference of a conspiracy among Department officials or his caretakers. He made no allegations that these third parties entered some agreement, and their conduct does not lead to a plausible inference of an agreement. And because he did not adequately allege the existence of any conspiracy among these other parties, his claim under § 1986 against the defendants here fails as well. *See Milbeck v. George*, 171 F.4th 930, 940 (7th Cir. 2026).

Bettis otherwise argues that he could obtain prospective declaratory or injunctive relief against the defendants even in their role as guardians ad litem and regardless of immunity. But he lacks standing to pursue such relief. A federal court may adjudicate a claim only if the plaintiff can show, among other things, that the injury is "likely to be redressed by the requested relief." *California v. Texas*, 593 U.S. 659, 669 (2021) (quoting *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 (2006)). Bettis ceased to be a ward of the state in 2019, so there is no plausible basis to infer that the defendants are still his guardians or capable of influencing any proceedings relating to him in the future. The injunction he requested—a mandate for "reform and oversight of GAL practices"—would therefore be of no use to Bettis. And a request for a declaratory judgment "cannot alone supply jurisdiction otherwise absent." *Id.* at 672–73.

Finally, Bettis asks us to remand the case so he may have a third opportunity to amend his complaint. But we do not see how further amendment could cure these deficiencies, and he does not explain in his brief how he could plead a plausible conspiracy. *See Circle Block Partners, LLC v. Fireman's Fund Ins. Co.*, 44 F.4th 1014, 1023 (7th Cir. 2022).

AFFIRMED