NONPRECEDENTIAL DISPOSITION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 December 10, 2024*
Decided December 19, 2024

Before

DIANE S. SYKES, *Chief Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-2909

STEVEN JOHN HECKE,
Plaintiff-Appellant,

v.

RICHARD BECK, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Indiana, Fort Wayne Division.

No. 1:23-cv-286

Gretchen S. Lund,
Judge.

O R D E R

Steven Hecke, who is now a federal prisoner, sued officials at the Allen County Jail, alleging that he was subjected to inhumane conditions as well as other violations of his constitutional and statutory rights during pretrial confinement. *See* 42 U.S.C. § 1983. Because Hecke's complaint made numerous allegations against various defendants, the

* 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 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).

district court provided Hecke with several opportunities to amend it. In the end, however, Hecke failed to abide by the district court's instructions, and the district judge upon preliminary review under 28 U.S.C. § 1915A dismissed the suit pursuant to Fed. R. Civ. P. 12(b)(6) for failing to state a claim.

We commend the district court for its admirable patience in this case, but a plaintiff's failure to comply with a court order is not grounds for dismissal under Rule 12(b)(6). Furthermore, as the district court acknowledged, the complaint does appear to state a plausible Fourteenth Amendment claim for unconstitutional conditions of confinement that flowed from the overcrowding at the jail (although the relevant allegations are scattered throughout the lengthy and convoluted document). Accordingly, we vacate and remand.

On remand, the district court certainly can order Hecke to file an amended complaint gathering all allegations related to the surviving conditions–of–confinement claim in one place. And, if Hecke fails to comply, the district court has the discretion to dismiss the case under Rule 41(b).

Discussion

In reviewing the dismissal of Hecke's complaint for failure to state a claim, we accept the facts in his complaint (and those in his brief on appeal that are consistent with his complaint) as true and draw reasonable inferences in his favor. *Alamo v. Bliss*, 864 F.3d 541, 548–49 (7th Cir. 2017).

Hecke was a federal pretrial detainee at Allen County Jail from January 2020 to April 2022. In March 2022, a district judge entered a permanent injunction against the jail because the chronic overcrowding and understaffing at the jail created unconstitutional conditions of confinement in violation of the Fourteenth Amendment. *See Morris v. Sheriff of Allen Cnty.*, No. 1:20-CV-34, 2022 WL 971098, at *1 (N.D. Ind. Mar. 31, 2022). There, the judge found, among other things, that: detainees were forced to sleep on floors next to toilets, staff could not perform adequate health and security inspections due to personnel shortages, there were no emergency call buttons in most cell blocks, and contraband was widespread and pervasive. *See id.* Hecke states that he was a member of the class of plaintiffs in *Morris*, which appears correct based on the

dates of his detention.[1] And, because the *Morris* class sought only injunctive relief, Hecke filed this case to seek damages.

In doing so, Hecke sued 47 defendants—including employees of the jail and its private healthcare contractor, county officials and entities, and the U.S. Marshals who placed him in the jail—alleging that they violated his First, Fifth, and Fourteenth Amendment rights as well as a variety of federal statutes, including the Religious Land Use and Institutionalized Persons Act. In his wide-ranging 69-page complaint and more than 100 pages of exhibits, Hecke raised more than a dozen counts about his treatment at the jail, and he alleged that all the problems resulted from the overcrowding and understaffing described in the *Morris* litigation.

Among the numerous harms that Hecke described, he alleged that a nurse and kitchen manager violated his First Amendment rights by refusing to give him a Kosher diet and that the jail's chaplain provided only Christian religious and rehabilitative services. He asserted that correctional officers used lockdowns as collective punishment for the acts of a few inmates. He alleged that medical staff were deliberately indifferent to his pinched nerve by refusing to give him ice packs and an extra mat while he was forced to sleep on the floor because of overcrowded conditions. He described how staff interfered with detainees' bathroom access, causing him to soil himself on one occasion. He also alleged that administrators failed to maintain safe and sanitary conditions, which caused mold in the showers, fires, non-flushing toilets, and a lack of drinking water for ten-to-twelve-hour periods. And he maintained that the jail's medical-services contractor did not provide adequate mental health treatment.

Screening the complaint under 28 U.S.C. § 1915A, the district court ordered Hecke to amend his complaint because he asserted unrelated claims against different defendants in the same suit. *See* FED. R. CIV. P. 18(a), 20(a)(2). The court informed Hecke that he did not plausibly link all the individual defendants and the different conditions he had challenged to a single policy or practice of Allen County. The court also explained that it would allow Hecke to decide which claims he wished to pursue in the current case and which he would bring in separate suits. The court then cautioned Hecke that if he did not amend his complaint by the deadline, it would "select a related

[1] The parties stipulated that certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure was proper and that the class consisted of "all persons currently confined, or who would in the future be confined, in the Allen County Jail." The district judge certified the class on March 17, 2020.

group of claims and dismiss the others." Shortly after this order, the case was reassigned to another district judge.

Hecke filed an objection to the screening order, arguing that each count in his complaint stemmed from the overcrowding and understaffing at the jail. The newly-assigned district judge construed Hecke's objection as a motion to reconsider, denied it, and instructed Hecke to amend his complaint in compliance with the screening order. The court explained that—notwithstanding the assertion that the county commissioners and the U.S. Marshals in charge of pretrial placement were responsible for all the alleged violations because of systemic overcrowding—§ 1983 liability requires a defendant's personal involvement. Again, the court instructed Hecke to amend his complaint by a certain date and cautioned that it would sever his claims if he did not.

The deadline passed with no amendment, so the district judge selected the first count–a claim against county officials and U.S. Marshals based on the conditions of confinement at issue in *Morris*–as the operative one and dismissed the other claims. *See Wheeler v. Wexford Health Sources, Inc.*, 689 F.3d 680, 683 (7th Cir. 2012). The court also dismissed roughly 40 defendants unrelated to the overcrowding and understaffing problems.

With respect to the remaining count, given the breadth of the complaint, the district court explained that it could not "easily sort out the allegations relevant to the overcrowding from those stemming from other causes." The court therefore instructed Hecke to file an amended complaint with a short and plain statement of the ways in which the systemic overcrowding and understaffing harmed him personally. *See* FED. R. CIV. P. 8(a)(2). The judge warned Hecke to respond by the deadline or his case would be dismissed as abandoned. *See* FED. R. CIV. P. 41(b).

Instead of amending his complaint, Hecke filed another motion for reconsideration, arguing that the claims in his original complaint were properly joined. In denying this motion, the judge warned Hecke that if he did not amend his complaint as instructed, he risked "summary dismissal of his original complaint pursuant to 28 U.S.C. § 1915A for failure to state a claim." Hecke responded with a letter contending yet again that his original complaint was sufficient, and so the judge dismissed the complaint "for failure to state a claim" and entered a final judgment.

On appeal, Hecke maintains that he plausibly alleged a practice or custom of overcrowding and understaffing that caused each constitutional violation alleged in his

complaint. He argues that the county sheriff and U.S. Marshals were aware of the violations from his grievances or correspondence, communications with his lawyer, and the allegations in *Morris*. Finally, Hecke argues that, at screening, the district judge had a duty to identify which of his claims plausibly related to the overcrowding and understaffing at the jail.

On appeal, we first clarify what is before us. The district court cautioned Hecke on several occasions that the case would be dismissed under Rule 41(b) if he did not comply with the court's orders and amend his complaint as instructed. If the district court had dismissed the case under Rule 41(b), we would review the ruling for abuse of discretion. *See McInnis v. Duncan*, 697 F.3d 661, 662 (7th Cir. 2012). But, after whittling down the complaint to the first count, the district court changed tack when Hecke failed to file an amended complaint and dismissed the complaint under Rule 12(b)(6) because it alleged a panoply of harms unrelated to the overcrowded conditions at the jail.

Because the district court dismissed the case at preliminary screening under Rule 12(b)(6), our review is de novo. *See Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015). A pro se complaint should be liberally construed. *Id.* Hecke needs to plead only "sufficient facts to suggest a plausible claim for relief." *Balle v. Kennedy*, 73 F.4th 545, 557 (7th Cir. 2023) (quoting *Shaw v. Kemper*, 52 F.4th 331, 333–34 (7th Cir. 2022)). And for claims to be properly joined, they must be against the same defendants or arise from the same transaction, occurrence, or series of transactions or occurrences. *See* FED. R. CIV. P. 18(a), 20(a)(2); *Wheeler*, 689 F.3d at 683. Dismissal is not an appropriate remedy for misjoinder, however. *See UWM Student Ass'n v. Lovell*, 888 F.3d 854, 857 (7th Cir. 2018). Nor is length a proper reason for dismissing a complaint unless the length makes the pleading unintelligible. *Stanard v. Nygren*, 658 F.3d 792, 797–98 (7th Cir. 2011). When a complaint adequately performs its notice function, "the presence of extraneous matter does not warrant dismissal." *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820–21 (7th Cir. 2001).

Under these standards, the original complaint, as narrowed by the district judge to the first count, states a claim for relief under the Fourteenth Amendment, which protects pretrial detainees from unconstitutional conditions of confinement. To state a claim, Hecke must allege that the conditions are objectively unreasonable. *See Hardeman v. Curran*, 933 F.3d 816, 822–23 (7th Cir. 2019). The denial of basic human needs—such as "reasonably adequate ventilation, sanitation, bedding, hygienic materials, and utilities"—can amount to a constitutional deprivation. *Id.* at 820 (citation omitted).

Here, Hecke's complaint describes multiple harmful conditions that make it plausible that he was subjected to objectively unreasonable conditions caused by the overcrowding at the jail. These include: being forced to sleep on the floor with a back injury, exposure to human waste from nonfunctioning toilets for ten to twelve hours at a time, lack of access to water, and exposure to smoke from fires started with contraband devices. Depending on the frequency or duration of the conditions, any of them could be objectively unreasonable. *See Hardeman*, 933 F.3d at 824. And the fact that the complaint contained allegations of other unrelated claims does not mean that it should be dismissed in toto. *See Davis*, 269 F.3d at 820–21.

Still, the district judge was correct to observe that many of the incidents alleged in the complaint do not arise from the same transaction or occurrence. A plaintiff may join multiple defendants only when the claims arise from the same set of events and share a common question of law or fact. *Mitchell v. Kallas*, 895 F.3d 492, 502–03 (7th Cir. 2018) (citing FED. R. CIV. P. 20(a)(2)(A)). What's more, multiple claims against a single defendant are allowable, but "Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2." *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Therefore, the judge appropriately dismissed the unrelated claims and defendants from the suit; if Hecke wishes to pursue relief against those defendants, he must do so in separate lawsuits.

Hecke insists that every count in the original complaint was related to the systemic overcrowding and understaffing problems at issue in the *Morris* litigation. But we agree with the district judge that this goes too far. For example, it is difficult to see how discrimination against non-Christians or inadequate mental health treatment by a non-county entity predictably flow from overcrowding. And, because Hecke refused to limit his complaint to one claim, the district court had the authority to select one and dismiss unrelated defendants, leaving only the administrators responsible for managing the jail and the federal officials who placed Hecke there.[2] The judge's only misstep was in dismissing the remainder of the complaint for "failure to state a claim" under Rule

[2] The theory of relief against the U.S. Marshals in charge of detainee placement is failure to protect. But § 1983 provides a cause of action against state, not federal, actors. A limited set of constitutional claims can be brought against federal officials under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), but no *Bivens* remedy has been implied for claims about conditions of confinement, and the Supreme Court has strongly discouraged the expansion of *Bivens* to new contexts. *Egbert v. Boule*, 596 U.S. 482, 491–92 (2022). And Hecke has not purported to bring any claim under the Federal Tort Claims Act. The complaint therefore promises to become narrower still.

12(b)(6) rather than for Hecke's refusal to comply with the court's order under Rule 41(b).

As a result, we must vacate the judgment and remand. On remand, the district court in its discretion may require Hecke to streamline his complaint to facts relevant to the surviving claim. And, if Hecke does not comply, the judge can dismiss the case confidently under Rule 41(b); it has given Hecke enough warnings.

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