

NONPRECEDENTIAL DISPOSITION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

Before

FRANK H. EASTERBROOK, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 24-2322

SEAN FORESTER-HOARE,
Plaintiff-Appellant,

v.

JOHN KIND, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 23-CV-537-JPS

J. P. Stadtmueller,
Judge.

ORDER

Sean Forester-Hoare, a Wisconsin prisoner, sued dozens of prison officials under 42 U.S.C. § 1983 alleging, among other things, that they were deliberately indifferent to a known risk of serious danger he faces from other inmates and staff members who

* 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).

want to harm him. He appeals the denial of his motions for preliminary injunction and for sanctions. We do not have jurisdiction to review the interlocutory ruling on his sanctions motion. But 28 U.S.C. § 1292(a)(1) gives us jurisdiction over the decision denying injunctive relief, which we affirm because the district court correctly concluded that Forester-Hoare did not show that he faced irreparable harm without court intervention.

In 2021, Forester-Hoare was transferred to Green Bay Correctional Institution where he has continuously resided in the Restrictive Housing Unit for disciplinary reasons, including most recently for threatening a correctional officer. Since arriving at Green Bay, Forester-Hoare has filed numerous administrative complaints asserting that other inmates threatened him with physical and sexual violence. Some time before his incarceration, Forester had been enrolled in a law enforcement academy at a technical college. He asserts that this affiliation with law enforcement is the source of animosity from other prisoners that puts him at constant risk of harm. None of the prison's many investigations into Forester-Hoare's complaints concluded that he was at risk of immediate physical danger, nor did they lead to additional protections or to transfer to a prison that he believes would be safer.

Forester-Hoare filed the current suit in April 2023. In quick succession, he also filed three motions for a preliminary injunction. The district court screened the complaint under 28 U.S.C. § 1915A and dismissed it for failure to comply with Rule 8(a) of the Federal Rules of Civil Procedure, observing that "the complaint is forty-three pages of single-spaced handwriting and appears to relate to incidents that occurred over a period of twenty-seven months against forty-two defendants."

After Forester-Hoare amended the complaint, the district court allowed him to proceed on three claims, including an Eighth Amendment claim against 37 defendants for failing to protect him from a known risk of physical harm at the hands of other inmates. The court also ordered the defendants to respond to the third motion for a preliminary injunction. Ultimately, the court denied that motion without prejudice and instructed both sides to provide, in relation to any subsequent motion, clearer information about threats to Forester-Hoare and the safety of his current placement.

Forester-Hoare then filed a fourth motion for preliminary injunction, asserting that he faced life-threatening danger at Green Bay and that the only way to protect him was to transfer him to another prison, preferably a medium-security facility where the inmates are less dangerous. In response to the district court's previous request for

specificity, Forester-Hoare stated that it was impossible to provide a concise list of threats against him because he was constantly “threatened literally everyday all day long by both staff and inmates.” He provided hundreds of pages of exhibits but did not explain their significance. The defendants opposed the motion. They relied primarily on the affidavit of the prison’s security director, defendant John Kind, in arguing that Forester-Hoare’s reports of past physical attacks were untrue, that few of his reports of threats had been substantiated, and that he was not in danger of physical assaults while in the Restrictive Housing Unit.

Specifically, the affidavit relates, of the 23 investigations into Forester-Hoare’s reports of being threatened with sexual assault and death, just two investigations (of the same incident) “substantiated” some part of his complaints. One was a complaint under the Prison Rape Elimination Act; the prison concluded that that another inmate had sexually harassed him verbally by calling him “transsexual” and “gay” (though video of the incident disproved Forester-Hoare’s assertion that the inmate also threatened him with rape and death). Another was a report that inmates yelled threats at him when he was being escorted back to his cell; an investigation revealed that someone called out that if Forester-Hoare went to the general population, someone would “beat [his] head in” and kill his mother. Contrary to Forester-Hoare’s unsworn assertions, there is no record of any physical attack on him at Green Bay, and his claim of “assault” by staff referred to a cell extraction. Forester-Hoare replied to the defendants’ filings with a motion for sanctions, asserting that Kind’s affidavit contained lies.

The district court denied this final preliminary-injunction motion, concluding that Forester-Hoare failed to show that he was likely to suffer irreparable harm without a prison transfer. The court found that Forester-Hoare’s assertions were too general and speculative because he failed to point to specific threats of physical harm that were likely to occur absent preliminary relief. The court also noted a lack of support in the record for Forester-Hoare’s allegations and his characterizations of various incidents or investigations. The court also cited Kind’s attestations that there is a reduced threat of injury in Restrictive Housing Unit—which is also where inmates in protective custody are housed—because only minimal and controlled inmate-to-inmate interactions and no unsupervised physical interactions occurred there.

On appeal, Forester-Hoare argues that the district court overlooked the evidence he provided, namely numerous complaints he filed while at Green Bay, which show that he faces a real threat of imminent harm. When a district court denies a preliminary injunction, we review its legal rulings de novo, its factual determinations for clear error,

and its balancing of the factors for an abuse of discretion. *Proft v. Raoul*, 944 F.3d 686, 693 (7th Cir. 2019) (citation omitted). Further, we must accord “wide-ranging deference” to the reasonable decisions that prison officials make regarding housing, internal order, and security. *Bell v. Wolfish*, 441 U.S. 520, 547–48 (1979).

The district court appropriately denied Forester-Hoare’s request for a preliminary injunction. Among the requirements for obtaining this relief is a showing that “irreparable injury is *likely* in the absence of an injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (emphasis in original). Forester-Hoare did not make this showing. As the district court explained, he identified no concrete threats of harm. His implausible contention that he is under constant threat of attack from all the inmates and staff at Green Bay, such that identifying a specific threat is impossible, is too general and speculative to warrant relief. *Farmer v. Brennan*, 511 U.S. 825, 846 (1994) (Evidence of “an objectively intolerable risk of harm” required for injunction on failure-to-protect claim); *Michigan v. U.S. Army Corps of Eng’rs*, 667 F.3d 765, 788 (7th Cir. 2011) (“A presently existing actual threat must be shown.”). He does not have to wait for the purported threats to be consummated before he can seek preventative relief, *see Farmer*, 511 U.S. at 845, but “there must be more than a mere possibility that the harm will come to pass,” *U.S. Army Corps of Eng’rs*, 667 F.3d 765 at 788.

Further, Forester-Hoare’s account of past threats or incidents, to the extent it is relevant to whether he is presently at risk, is not consistent with the record, which does not corroborate any alleged assaults on him by other inmates or staff at Green Bay—let alone assaults motivated by his course work in law enforcement classes. Neither of the two “substantiated” complaints he points to involve physical assault or any link to animus toward law enforcement. And Forester-Hoare fails to refute the defendants’ evidence that he is in a highly controlled, isolated environment where a physical attack from other inmates is highly unlikely. Indeed, the prison moved him closer to his unit’s control room so he could be more closely observed. The extraordinary relief of a preliminary injunction, especially a mandatory injunction compelling action by prison administrators, is not warranted based only on Forester-Hoare’s unsubstantiated, even if genuine, fears.

Forester-Hoare also attempts to challenge the ruling on his motion for sanctions against defendant John Kind. But Forester-Hoare’s case is ongoing in the district court, and the collateral order doctrine does not provide us with jurisdiction to review the interlocutory decision on his motion for sanctions. *See Cunningham v. Hamilton Cnty.*, 527 U.S. 198, 199 (1999) (holding that order imposing sanctions does not satisfy

collateral order doctrine because sanctions are not separate from merits of case). And the district court has not certified this issue for interlocutory appeal, *see* 28 U.S.C. § 1292(b), so there is no other basis for this court's jurisdiction.

AFFIRMED