

NONPRECEDENTIAL DISPOSITION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 17, 2025

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-1385

MARQUIS THOMPSON,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 21-cv-2171-JES

SHEYDE PERRY, et al.,
Defendants-Appellees.

James E. Shadid,
Judge.

ORDER

Marquis Thompson asserts that while he was a pretrial detainee, three officers at Macon County Jail failed to protect him from an assault by another detainee in violation of his rights under the Fourteenth Amendment. *See* 42 U.S.C. § 1983. The district judge

* 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).

entered summary judgment for the officers, concluding that no rational jury could find that the officers' actions were objectively unreasonable. We affirm the judgment.

We recount the facts in the light most favorable to Thompson, the party opposing summary judgment. *See Kemp v. Fulton County*, 27 F.4th 491, 492 (7th Cir. 2022). In October 2020, Thompson was in detention at Macon County Jail pending trial on federal charges. He saw a detainee, Matthew Anderson, stealing from another detainee and informed the victim, who then reported the theft to jail staff. Shortly thereafter, officials moved Anderson to a housing unit near Thompson's. Around this time, Anderson threatened Thompson for informing the victim about the theft.

Four days later, Anderson entered Thompson's housing unit through two open doors and punched him, starting a fight. The parties dispute why the doors separating Anderson's and Thompson's units were both open at the same time. The officers maintain they left the doors open while responding to a diabetic detainee's medical emergency; Thompson denies any such emergency and contends the officers were confirming that detainees were out of their cells. Regardless, it is undisputed that Officers Terry Collins, Danielle Merrifield, and Sheyde Perry were in the area attending to their duties. Perry noticed the altercation and called for help, leading Collins and another officer to respond and break up the fight.

Thompson filed this lawsuit alleging that Collins, Merrifield, and Perry violated his Fourteenth Amendment rights by failing to protect him from Anderson's attack. The district judge granted the officers' motion for summary judgment. He reasoned that, in the absence of any evidence that the officers knew about Anderson's threats against Thompson, their failure to close or monitor the doors was not objectively unreasonable and therefore did not amount to a constitutional violation.

On appeal Thompson argues that the district judge disregarded a genuine dispute of fact on whether the officers breached their duty to protect him while he was in their custody. We review the summary-judgment decision *de novo*. *See Kemp*, 27 F.4th at 494. To create a triable claim under the Fourteenth Amendment, Thompson must supply evidence from which a rational jury could find that the officers' purposeful, knowing, or perhaps reckless conduct was objectively unreasonable under the circumstances and caused his injuries. *See id.* at 496–97; *Miranda v. County of Lake*, 900 F.3d 335, 352–53 (7th Cir. 2018). In the context of an assault by another detainee, an officer's actions will typically be unreasonable only if the officer had notice of a substantial risk of injury. *Thomas v. Dart*, 39 F.4th 835, 841–42 (7th Cir. 2022).

Thompson does not present evidence from which a jury could find that the officers' actions were objectively unreasonable. Although he does not need to show that the officers had subjective awareness of a risk of harm, the officers' lack of notice about Anderson's threat remains critical to assessing their actions against those of a reasonable officer in the same situation and with the same information. *See Echols v. Johnson*, 105 F.4th 973, 978, 980 (7th Cir. 2024). Perry and Collins attested that they did not know that Anderson had threatened Thompson, and Thompson did not provide evidence that they or Merrifield should have been on notice of Anderson's threats. The complaint suggests that Anderson made his threats in the presence of officers, but these allegations are not evidence, *see Est. of Perry v. Wenzel*, 872 F.3d 439, 461 (7th Cir. 2017), and regardless Thompson does not offer reason to believe that any of the defendant officers, specifically, should have heard the threats made days before the attack.

Instead of providing facts showing that a reasonable officer would have been on notice of the threat Anderson posed, Thompson emphasizes that jail policy forbids leaving two doors open at the same time. *See* 20 ILL. ADMIN. CODE § 701.140(c)(3). But failure to follow jail policies does not itself amount to a constitutional violation. *See Est. of Simpson v. Gorbett*, 863 F.3d 740, 746 (7th Cir. 2017). Even if the officers intentionally left the doors open contrary to policy and best practices, Thompson cannot show that a reasonable officer would have appreciated that doing so in these circumstances involved an unreasonably high degree of risk and therefore offended the Fourteenth Amendment. *See Thomas*, 39 F.4th at 841–42.

AFFIRMED