

NONPRECEDENTIAL DISPOSITION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 17, 2026*

Decided February 19, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-1887

MARKUS EVANS,
Plaintiff-Appellant,

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

v.

No. 24-cv-1372-bhl

ANTHONY MATUSHAK, et al.,
Defendants-Appellees.

Brett H. Ludwig,
Judge.

ORDER

Markus Evans, a Wisconsin prisoner, appeals the judgment dismissing his claims against two prison officials for depriving him of a protected liberty interest without due

* 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).

process during a disciplinary proceeding and an administrative-confinement hearing. *See* 42 U.S.C. § 1983. We vacate the judgment and remand for further proceedings.

We accept the factual allegations in Evans's complaint as true, drawing all reasonable inferences in his favor and liberally construing his pro se complaint. *Wilson v. Castaneda*, 143 F.4th 814, 817 (7th Cir. 2025). Evans was incarcerated at Green Bay Correctional Institution in Green Bay, Wisconsin, during the events giving rise to this suit. On February 3, 2023, Evans saw Vernon Nevlis, another inmate, having a seizure. Evans entered Nevlis's cell to help but quickly left. Evans told his own cellmate about Nevlis, and the cellmate also entered Nevlis's cell. Later that day, prison officials accused Evans and his cellmate of assault and placed them in restrictive housing pending an investigation and disciplinary hearing. Lieutenant Michael Cole and another officer investigated. According to Evans, Cole directed the other officer to lie in the conduct report charging Evans with aggravated assault and entering another inmate's assigned living area.

Prison staff discussed the charges and possible disposition with Evans before the disciplinary hearing. Four days after the incident, Lieutenant John Lannoye delivered the charges to Evans and offered him a deal: 90 days in disciplinary segregation and \$1,000 in restitution. Evans refused, but Lannoye informed him, "You're not going to beat it. I'm doing the hearing." A week later, Lieutenant Anthony Matushak told Evans that he was going to hear Evans's case and that he was "probably going to get [disciplinary segregation]." That same day, Matushak emailed the prison's acting security director about Evans's upcoming disciplinary hearing and requested permission to punish Evans with "300 DS [days of disciplinary segregation] plus half the restitution (max of \$1,000) for medical bills." The prison's security director responded, "I agree with the disposition noted, and up to two thousand for medical bills."

When Evans arrived at his hearing on February 23, 2023, Lannoye was speaking with Matushak. But Lannoye left after a few minutes, and Matushak conducted the rest of the hearing alone. Matushak denied Evans's request to present Nevlis's witness statement and his objection to Lannoye and Matushak as hearing officers. After Evans read a statement, Matushak found him guilty of both charges and imposed \$2,000 in restitution and 300 days' disciplinary segregation. Matushak then said, "90 days don't look so bad now."

Several months later, Cole—the original investigating officer—conducted another hearing and determined that Evans should be kept in indefinite administrative

confinement because of the assault on Nevlis. When Evans filed his amended complaint in late January 2025, he asserted that he remained in administrative confinement.

Evans sued Matushak, Lannoye, Cole, and three other prison officials, alleging that they retaliated against him in violation of the First Amendment and violated his rights under the Fourteenth Amendment. The district court screened and dismissed the complaint under 28 U.S.C. § 1915A, reasoning that Evans needed to offer some information about his conditions of confinement to plausibly state that prison officials deprived him of a protected liberty interest. Evans filed an amended complaint, contending in relevant part that his disciplinary segregation and administrative confinement were lengthy enough to implicate a liberty interest and that he faced “harsh” conditions during both periods of segregation. Addressing only the 300 days’ disciplinary segregation, the court again dismissed the complaint, concluding that Evans’s allegation that his conditions of confinement were harsh was too conclusory to state a claim. Evans filed a motion for reconsideration, which the court denied.

Evans appeals only the dismissal of his claims against Matushak and Cole for violating his right to due process. To survive screening, Evans needed to plausibly allege that he had a protected liberty or property interest and that constitutionally deficient procedures deprived him of that interest. *See Wilson*, 143 F.4th at 818; *see also Prude v. Meli*, 76 F.4th 648, 656 (7th Cir. 2023). We review de novo the dismissal of Evans’s complaint. *See Wilson*, 143 F.4th at 817.

We turn first to Evans’s claim against Matushak, the official who presided over the disciplinary hearing and imposed 300 days’ disciplinary segregation and \$2,000 in restitution. Evans argues that the district court concluded incorrectly that he failed to plausibly allege that he was deprived of a protected liberty interest. We agree. A liberty interest arises when disciplinary segregation imposes an “atypical and significant hardship ... in relation to the ordinary incidents of prison life,” considering both the duration of confinement and the conditions endured. *Ealy v. Watson*, 109 F.4th 958, 964 (7th Cir. 2024) (quoting *Sandin v. Conner*, 515 U.S. 472, 484 (1995)). The district court concluded that Evans failed to state a claim because he alleged only that the conditions in disciplinary segregation were “harsh.” But an allegation that segregation eclipsed six months and approached a year “requires scrutiny of the actual conditions of segregation.” *Marion v. Columbia Corr. Inst.*, 559 F.3d 693, 698 (7th Cir. 2009). Without any factual record about the actual conditions of confinement, the district court’s dismissal of Evans’s claim for lack of a protected liberty interest was premature. *See id.* at 698–99. It is sufficient that Evans alleged that he spent 300 days in disciplinary

segregation. *See id.* (allegation of 240 days' segregation stated claim, even without allegations regarding conditions).[†]

Evans argues that he alleged facts supporting a reasonable inference that the disciplinary hearing did not comport with due process because Matushak predetermined the outcome. Due process forbids a hearing officer from predetermining or conspiring to predetermine the outcome of a disciplinary hearing. *Prude*, 76 F.4th at 660. This is true even under the “informal, nonadversarial” proceedings owed to prisoners facing disciplinary segregation. *Adams v. Reagle*, 91 F.4th 880, 896 (7th Cir. 2024) (majority opinion of St. Eve, J.), *cert. denied sub nom. Adams v. Arnold*, 146 S. Ct. 295 (2025).

If we draw all reasonable inferences in Evans's favor, as we must, the allegations in his complaint make it plausible that Matushak prejudged Evans's guilt in violation of Evans's right to due process. On its own, Matushak's statement that Evans was “probably” going to receive disciplinary segregation might suggest that he was merely “confident in the charges” against Evans. *Prude*, 76 F.4th at 658 (distinguishing an officer's confidence from a “preordained” outcome). But Evans also alleged that nine days before the hearing, Matushak already had determined his guilt: Matushak sent an email to another prison official seeking permission to impose a specific sanction. Moreover, after finding Evans guilty, Matushak said, “90 days don't look so bad now,” referencing the conversation in which Lannoye told Evans he was going to be found guilty.

We turn next to Evans's claim against Cole, the officer who held the administrative-confinement hearing. Evans argues that the district court failed to address whether Evans's placement in indefinite administrative confinement could constitute a deprivation of a protected liberty interest. He also contends that because Cole investigated the events that led to Evans's administrative confinement, Cole could not also serve as the hearing officer consistent with due process.

[†] Although Evans does not press this point on appeal, we note that the district court did not address whether Evans plausibly alleged that he had a property interest related to the \$2,000 restitution award. Generally, prisoners have a protected property interest in funds in their prison accounts, so disciplinary proceedings that deprive them of those funds must comport with due process. *See Wilson*, 143 F.4th at 818. Because we are ordering further proceedings on Evans's claim against Matushak in any event, the district court may consider this point on remand.

This court has raised questions about our caselaw in this area. Generally, discretionary segregation “imposed for administrative, protective, or investigative purposes” is an ordinary part of prison life. *Townsend v. Fuchs*, 522 F.3d 765, 771 (7th Cir. 2008). But this court has also expressed skepticism of an argument that administrative, protective, or investigative segregation precludes the recognition of a state liberty interest, especially as applied to lengthy confinements. *See Felton v. Brown*, 129 F.4th 999, 1008 (7th Cir. 2025). The district court did not address this aspect of Evans’s claim against Cole. On remand, the district court should consider whether Evans’s allegation that he has spent over a year in ongoing, indefinite administrative confinement constitutes a deprivation of a protected liberty interest. *See id.* at 1008; *see also Marion*, 559 F.3d at 698–99. The district court should also consider whether Evans plausibly alleged that the administrative purpose of his confinement was a pretext for further punishment. *See Felton*, 129 F.4th at 1008. If Evans has alleged that he was deprived of a protected liberty interest, the district court should address whether due process permitted Cole to conduct both the investigation and hearing. *See Prude*, 76 F.4th at 658.

Accordingly, we VACATE the judgment of the district court with respect to the claims under the Fourteenth Amendment against Matushak and Cole and REMAND for further proceedings consistent with this order.