

NONPRECEDENTIAL DISPOSITION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 30, 2026*

Decided July 7, 2026

Before

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 26-1024

GUSTAV RYBURN,
Plaintiff,

v.

LLOYD ARNOLD, et al.,
Defendants-Appellees.

APPEAL OF: KRISTEN DEMARJIAN

Appeal from the United States District
Court for the Northern District of Indiana,
South Bend Division.

No. 3:25-CV-1028-CCB-SJF

Cristal C. Brisco,
Judge.

ORDER

Kristen Demarjian appeals the dismissal of a civil rights lawsuit that she filed on behalf of Gustav Ryburn, an Indiana prisoner whom she describes as her “next friend.”

* 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).

See 42 U.S.C. § 1983. The district court dismissed the case without prejudice because Demarjian, a non-lawyer, could not represent Ryburn. We affirm.

According to the allegations of her complaint, which we accept as true, drawing all reasonable inferences in her favor, *Chaidez v. Ford Motor Co.*, 937 F.3d 998, 1004 (7th Cir. 2019), Demarjian is Ryburn's long-term partner who acts as his power of attorney. The two began communicating regularly in 2021. Demarjian says that she prepared legal filings on Ryburn's behalf, documented alleged retaliation by prison staff (at Miami Correctional Facility in Indiana), and reported alleged staff misconduct. Demarjian says that sometime in 2025, the Indiana Department of Correction revoked Ryburn's phone, electronic messaging, and visitation privileges with her in retaliation for his reporting staff misconduct. She also alleged that the prison has prevented Ryburn from accessing the courts by obstructing his attorney visits, withholding legal materials, restricting law library access, and barring contact with Demarjian.

Demarjian then sued prison officials for denying Ryburn access to the courts in violation of the First, Eighth, and Fourteenth Amendments. See 42 U.S.C. § 1983. She asserted that she had next-friend standing because the prison's retaliatory conduct prevented Ryburn from litigating on his own. See *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990). To ensure confidential legal communication, she also sought a temporary restraining order and preliminary injunction requiring prison officials to restore Ryburn's communication privileges and transfer him temporarily to a federal facility.

The district judge dismissed the complaint without prejudice because Demarjian was not a lawyer and could not represent Ryburn. See 28 U.S.C. § 1654. The judge ordered Demarjian not to file any further submissions on Ryburn's behalf and advised that doing so would result in sanctions. The judge also directed the clerk to send Ryburn a copy of the pro se complaint form so that he could raise his claims pro se or through hired counsel.

After entry of judgment, Ryburn filed a proposed amended complaint. The judge, finding that Ryburn's proposal did not allege any error in her dismissal order, declined to construe the submission as a postjudgment motion and instead directed that a new case be opened with the proposed amended complaint. See *Ryburn v. Arnold, et al.*, No. 3:26-cv-00015-HAB-AZ (N.D. Ind. Jan. 2, 2026). Ryburn has since submitted multiple filings in that case, and it is ongoing.

Demarjian appeals, but the defendants argue as a threshold matter that we lack jurisdiction to review this appeal because there was no final judgment as to all parties and claims. They maintain that the judgment was not final because Ryburn can fix the defect in his complaint and refile his complaint under a new case number. But while a dismissal without prejudice is not final if it amounts to only telling the plaintiff “to patch up the complaint, or take some other easily accomplished step,” *Taylor-Homes v. Cook Cnty. Pub. Guardian*, 503 F.3d 607, 610 (7th Cir. 2007) (internal quotation omitted), the judgment is final if it is clear that the district court is finished with the case and nothing can be done to revive it, *Gleason v. Jansen*, 888 F.3d 847, 852 (7th Cir. 2018).

Here the judge’s dismissal without prejudice was a final order insofar as it relates to Demarjian. To determine whether such a dismissal is a final appealable judgment, we look to the text of the order and the judge’s behavior. *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1020–21 (7th Cir. 2013). Though the judge directed Ryburn to open a new case, she indicated that she was through with Demarjian’s case when she ordered her not to file anything else on Ryburn’s behalf and cautioned her that doing so would court sanctions. *See Lauderdale-El v. Ind. Parole Bd.*, 35 F.4th 572, 576–77 (7th Cir. 2022). The judgment was final, and our appellate jurisdiction is secure.

As for the merits, Demarjian argues that the judge failed to address another threshold jurisdictional issue by not analyzing next-friend standing. It was harmless because, absent extremely narrow circumstances not applicable here, a next friend who is a non-lawyer may not litigate on behalf of another person. *See Elustra v. Mineo*, 595 F.3d 699, 706 (7th Cir. 2010).

AFFIRMED