

**NONPRECEDENTIAL DISPOSITION**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, 2024\*

Decided April 2, 2024

**Before**

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 23-2344

JASPER FRAZIER,  
*Plaintiff-Appellant,*

*v.*

ROBERT E. CARTER, et al.,  
*Defendants-Appellees.*

Appeal from the United States District  
Court for the Southern District of  
Indiana, Indianapolis Division.

No. 1:22-cv-02466-JRS-MJD

James R. Sweeney II,  
*Judge.*

**ORDER**

Jasper Frazier, an Indiana prisoner who has been transferred to New Jersey under an interstate corrections compact, appeals the dismissal of his complaint alleging constitutional violations at his New Jersey prison. The district judge dismissed Frazier's complaint for failure to state a claim. We affirm.

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\* 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).

In 2021, Frazier was transferred from the Indiana Department of Corrections to the New Jersey Department of Corrections under an interstate corrections compact between Indiana and New Jersey. The transfer was one of the terms of a settlement arising from Frazier's previous lawsuits against Indiana prison officials.

The following year, Frazier sued Indiana prison and state officials, along with two former lawyers from his Indiana litigation, for constitutional violations while he was at the New Jersey prison. *See* 42 U.S.C. § 1983. He asserted that prison officials in New Jersey denied him access to a religious advisor and religious materials and limited his access to courts by confiscating his legal books. He imputed liability to the Indiana defendants based on a provision in the Indiana Code specifying that inmates confined in an institution under the interstate compact are "subject to the jurisdiction of the sending state." IND. CODE § 11-8-4-6 (2015).

The district judge screened the complaint, *see* 28 U.S.C. § 1915A, and dismissed it for failure to state a claim. The judge explained that Frazier had not alleged that (1) the past and present Commissioners of the Indiana Department of Corrections were personally involved, or aware of, the acts at issue; or (2) that any of the defendants were responsible for, or aware of, the conditions of confinement or his religious practice in New Jersey. To the extent Frazier believed that the interstate compact subjected him to Indiana's jurisdiction, the judge pointed out that Indiana—as the "sending state"—has control over his placement, but not the conditions of his confinement in New Jersey.

Frazier moved for leave to amend his complaint. He attached an amended complaint that restated his essential allegations, as well as a copy of the interstate compact.

The judge denied the motion and issued a final judgment. The judge explained that Frazier's proposed amended complaint did not substantially differ from his original complaint, nor did it show why the original complaint should not be dismissed. As for the compact, the judge noted that many of its provisions establish that the conditions of a prisoner's confinement are the responsibility of the receiving state—in this case, New Jersey.

On appeal, Frazier challenges the district judge's interpretation that the interstate compact relieves Indiana officials of responsibility for the conditions he experienced in New Jersey. He argues that the compact requires the defendants to enforce his constitutional rights while he is imprisoned out of state—an obligation that extends to

his right to access the courts through posted letters, as well as his right to practice his religion.

Frazier misconstrues the language of the compact. One provision of the compact explicitly states that “responsibility for offenders custody” rests with the receiving state. Contract for Services Between Indiana and New Jersey, § 12.<sup>1</sup> That provision states that the receiving state bears responsibility for providing subsistence, all necessary medical services and supplies, training and treatment programs, and safe custody. And even if the compact could be read to confer responsibility on Indiana authorities for the actions of New Jersey prison officials, government officials are held accountable in § 1983 suits only for their own misconduct. *Hess v. Garcia*, 72 F.4th 753, 767–68 (7th Cir. 2023).

We have considered Frazier’s remaining arguments, and none has merit.

AFFIRMED

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<sup>1</sup> Frazier appears to have realized as much. He has initiated a suit against New Jersey officials for the same alleged violations. *Frazier v. Kuhn et al.*, 21-16842 (BRM) (CLW) (D. N.J.).