2020 IL App (2d) 180933-B-U
No. 2-18-0933
Order filed May 18, 2020

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

JOHNNY M. RUFFIN, JR.,	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	No. 2018-MR-784
	)	
WINNEBAGO COUNTY SHERIFF GARY CARUANA, JAIL SUPERINTENDENT ROBERT REDMOND, and WINNEBAGO COUNTY CHAIRMAN FRANK HANEY,	)	
	)	
Defendants-Appellees	)	Honorable
	)	Stephen E. Balogh,
(Swanson Services Corporation, Defendant).	)	Judge, Presiding.

JUSTICE BRENNAN delivered the judgment of the court.
Justices Hutchinson and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: Plaintiff forfeited his claim on appeal that the trial court erred in not ruling on his motion for leave to file a "supplemental complaint" where he failed to obtain a ruling on this motion before filing his appeal. Count I was properly dismissed because plaintiff failed to allege specific facts to support a cause of action for excessive lockdowns in the jail. Count II was properly dismissed for plaintiff's failure to state a claim for a violation of the Establishment Clause. Count III, alleging unjust enrichment, was correctly dismissed for a lack of standing since the Code of Corrections did not provide for a private cause of action to ensure

compliance with county jail standards. Counts VI and VII, alleging that plaintiff was denied access to the court and that the jail engaged in unconstitutional mail room practices, were also properly dismissed for failure to state a claim upon which relief could be granted. Therefore, we affirmed the trial court's order granting defendants' motion to dismiss plaintiff's amended complaint.

¶ 2 Plaintiff Johnny M. Ruffin Jr. appeals from the trial court's order granting defendants' Winnebago County Sheriff Gary Caruana, Jail Superintendent Robert Redmond and Chairman Frank Haney's (collectively, defendants) motion to dismiss Ruffin's amended complaint.[1] Ruffin also appeals from the trial court's failure to rule on his motion for leave to file a supplemental complaint. In his amended and supplemental complaints Ruffin alleged various constitutional and state law violations that arose during his incarceration in the Winnebago County jail. For the following reasons, we affirm the trial court's order granting defendants' motion to dismiss Ruffin's amended complaint.

¶ 3 I. BACKGROUND

¶ 4 The record reflects that on March 7, 2018, Ruffin and other jail inmates (no longer parties to this action) filed an "Amended Class Action Lawsuit" against defendants. The amended complaint contained seven counts based upon Ruffin's interactions with the Winnebago County Jail (jail). Those counts included: count I, unwarranted and excessive lockdowns; count II, establishment clause violations; count III, unjust enrichment; count IV, negligence; count V, negligent non-compliance; count VI, denial of access to the court system; and count VII, unconstitutional mail room policies.

¶ 5 In count I of his amended complaint Ruffin alleged that he was subjected to unwarranted and excessive lockdowns while incarcerated in the jail in violation of the due process clause of the

[1] Swanson Services Corporation was also named as a defendant in Ruffin's amended complaint, but the record does not show that it was served with summons in this matter.

United States Constitution. Specifically, he claimed that in October 2017 he and other pre-trial detainees spent a combined total of 496 hours on lockdown. He claimed that these numbers were increased to 1,968 hours in November 2017 and 1,905 hours in December 2017. Ruffin said that he and other detainees were locked in their 13.5 by 7.5 foot cement cells for long hours. These lockdowns fostered a dangerous environment and increased tension at the jail. Finally, Ruffin claimed that Sheriff Caruana, Superintendent Redmond and Chairman Haney's gratuitous actions intentionally inflicted unnecessary pain and suffering on plaintiffs. Specifically, the lockdowns caused him psychological distress, emotional distress and anguish. The lockdowns also exacerbated a previous spinal cord injury because he had to lay down on a hard steel slab cot all day.

¶ 6 In count II Ruffin alleged that the jail's use of commissary funds to fund religious-based classes in the jail created an excessive entanglement between government and religion and therefore was a violation of the establishment clause.

¶ 7 Count III was a count for unjust enrichment based upon excessive prices for commissary items at the jail. Generally, Ruffin alleged that there was a 300% or more mark-up on each item sold at the commissary versus the same items sold at a local grocery store. The mark-ups violated administrative jail standards, which prohibited charging inmates more for a commissary item than charged in the local community. Sheriff Caruana, Superintendent Redmond and Swanson Services Corporation (Swanson) gained these benefits by fraud and their actions violated the fundamental principles of justice, equity, and good conscience.

¶ 8 Counts IV and V sounded in negligence and again focused on the commissary system in the jail. Count IV was labeled "negligence," wherein Ruffin alleged that Sheriff Caruana, Superintendent Redmond and Swanson's actions in failing to comply with county jail standards

regarding the jail's commissary system demonstrated their unreasonableness and, under those circumstances, constituted negligence. Count V was labeled "negligent non-compliance," wherein Ruffin alleged that Sheriff Caruana, Superintendent Redmond and Swanson's actions of negligent non-compliance with county jail standards, as well as their willful and intentional refusal to bring the commissary prices in compliance with local community prices, violated the Illinois Administrative Code and statutory law.

¶ 9 Count VI of the amended complaint was labeled "Denial of Access to Court." In that count Ruffin alleged that Sheriff Caruana and Superintendent Redmond implemented unconstitutional practices that rendered the jail's law library services inadequate. Specifically, he alleged that there was no legal assistance available at the jail, there was no language conversion code on LEXIS to switch from English to Spanish, and that the jail did not provide "legal supplies" for the detainees to prepare, draft or file legal papers. The jail also did not provide postage for indigent pretrial detainees, provide copies of legal papers or have a notary. These practices hindered Ruffin from litigating a *pro se* federal lawsuit. Count VII was labeled "unconstitutional mail room policies." Generally, Ruffin alleged that Sheriff Caruana and Superintendent Redmond failed to train correctional staff to properly handle his outgoing and incoming legal mail, which resulted in his legal mail being opened outside of his presence and caused a delay in him receiving the mail. He also alleged that the jail lacked a procedure to weigh mail to determine how much postage was needed, and the jail's employees failed to return mail to him that was sent back for insufficient postage.

¶ 10 In relief for the violations alleged in counts I through VII, Ruffin requested an injunction ordering Sheriff Caruana and Superintendent Redmond, as well as the jail's agents to: (1) stop using the net profit from the jail's commissary system to fund religious programs and classes;

(2) lower the prices of items in the commissary to reflect the prices of the same items at a local grocery store; (3) stop the unwarranted and excessive lockdowns; (4) provide Ruffin legal assistance; (5) provide non-English speaking detainees with bi-lingual legal assistance; (6) provide indigent detainees with legal supplies; (7) give him access to a notary; (8) give him access to a postage scale; (9) change mailroom policies; (10) implement training for the jail's correctional staff on how to handle legal mail. He further requested economic damages and demanded a jury to decide the amount of compensatory and punitive damages to be awarded, as well as all court costs and attorney fees incurred in this litigation to be assessed against defendants.

¶ 11 On June 13, 2018, the trial court granted defendants' oral motion to sever Ruffin's claims from the only other remaining plaintiff, Marchisheo Moore. Defendants filed a motion to dismiss Ruffin's amended complaint and a memorandum in support of that motion. The motion to dismiss was filed pursuant to section 2-619.1 of the Code of Civil Procedure (Code). 735 ILCS 5/2-619.1 (West 2018). Defendants moved to dismiss counts I, VI and VII pursuant to section 2-615 of the Code for failure to state a claim, and moved to dismiss counts III, IV and V under 2-619(a)(9) of the Code for lack of standing. Defendants moved to dismiss count II under both section 2-619(a)(9) for lack of standing and section 2-615 for failure to state a claim.

¶ 12 While defendants' section 2-619.1 motion to dismiss was pending, Ruffin filed a motion for leave to file a "supplemental complaint" and also filed a response to defendants' motion to dismiss. In Ruffin's supplemental complaint he added a new defendant, Michael Leathers, a criminal justice specialist with the Illinois Department of Corrections. He also sought to add four more counts to his complaint: (1) count VIII, conspiracy to commit fraud and unjust enrichment; (2) count IX, another count of denial of access to the court; (3) count X, a violation of the First Amendment establishment clause and the "Religious Land Use and Institutional Person Act"; and

(4) count XI, violation of the takings clause of the Fifth Amendment. Ruffin requested a judgment in excess of $100,000 against the specific defendant(s) to which each count was directed. The record on appeal suggests that the trial court never ruled on Ruffin's motion for leave to file a "supplemental complaint."

¶ 13 On October 10, 2018, the trial court entered an order dismissing Ruffin's claims in their entirety with prejudice. Count I (excessive lockdowns) was dismissed because defendant had not filed a grievance with the jail regarding the conditions alleged his complaint or pled facts that supported a conclusion that filing an internal grievance would be futile. The remaining counts were dismissed pursuant to sections 2-615 or 2-619(a)(9).

¶ 14 On October 17, 2018, Ruffin filed a motion to reinstate the lawsuit *instanter* and a petition for writ of *habeas corpus ad testificandum.* On November 5, 2018, Ruffin filed his notice of appeal. On November 21, 2019, this court dismissed Ruffin's appeal for lack of jurisdiction because the trial court had not yet ruled on the motion to reinstate the lawsuit or the petition for writ of *habeas corpus*. *Ruffin v. Caruana*, 2019 IL App (2d) 18-0933-U. On November 26, 2019, the trial court denied both the motion and the petition, and on January 7, 2020, we reinstated Ruffin's appeal at his request.

¶ 15 II. ANALYSIS

¶ 16 On appeal, Ruffin argues that the trial court erred in dismissing counts I, II, III, VI, and VII, but does not contest the dismissal of counts IV (negligence) and count V (negligence non-compliance). He also claims that the trial court abused its discretion when it failed to rule on his motion for leave to file his "supplemental complaint."

¶ 17 Initially, the State argues that to the extent Ruffin is seeking declaratory and injunctive relief, these prayers for relief are moot for lack of standing since Ruffin is no longer in the custody

of the jail. *Van Tassell v. United Marketing Group*, 795 F. Supp. 2d 770, 777 (N.D. Ill 2011) (when a party loses standing during the litigation due to intervening events the case becomes moot since the party has lost personal interest in the outcome). We agree that Ruffin's prayers for injunctive relief are moot, though we otherwise reach the merits of his claims because he also seeks money damages.

¶ 18 Illinois is a fact-pleading jurisdiction such that a plaintiff must set forth a legally recognized claim and plead facts in support of each element that bring the claim within the cause of action alleged. *Rodriguez v. Illinois Prisoner Review Board*, 376 Ill. App. 3d 429, 434 (2007). To survive a motion to dismiss for failure to state a cause of action, a complaint must be both legally and factually sufficient. *Id.* Dismissal pursuant to section 2-615 is inappropriate where the allegations of the complaint, construed in the light most favorable to the plaintiff, are sufficient to establish a cause of action upon which relief may be granted. *Oliver v. Pierce*, 2012 IL App (4th) 110005, ¶ 11. In ruling on a 2-615 motion to dismiss, a court must accept as true all well-pleaded facts in the complaint and all reasonable inferences therefrom. *Id.*

¶ 19 A motion to dismiss under section 2-619 of the Code admits the legal sufficiency of the complaint but raises an affirmative defense or other basis to defeat the alleged claims. *Hampton v. Chicago Transit Authority*, 2018 IL App (1st) 172074, ¶ 19. The purpose of a section 2-619 motion to dismiss is to dispose of issues of law and easily proven issues of fact at the beginning of litigation. *Muirhead Hui LLC v. Forest Preserve District of Kane County*, 2018 IL App (2d) 170835, ¶ 21. For purposes of a section 2-619(a)(9) motion to dismiss, affirmative matter is "something in the nature of a defense that negates the cause of action completely or refutes critical conclusions of law or conclusions of material fact contained in or inferred from the complaint." *Id.* Lack of standing is an affirmative matter under section 2-619(a)(9). *Id.*

¶ 20 Section 2-619.1 of the Code allows for a combined motion to dismiss (735 ILCS 5/2-619.1 (West 2018)). A motion under section 2-619.1 permits a party to "combine a section 2-615 motion to dismiss based upon a plaintiff's substantially insufficient pleadings with a section 2-619 motion to dismiss based upon certain defects or defenses." *Edelman, Combs & Latturner v. Hinshaw & Culbertson*, 338 Ill. App. 3d 156, 164 (2003). On appeal, we review *de novo* the trial court's ruling on a section 2-619.1 motion. *Garlick v. Bloomingdale Township*, 2018 IL App (2d) 171013, ¶ 24. Thus, we may affirm the court's judgment on any basis in the record, regardless of the court's reasoning. *O'Callaghan v. Satherlie*, 2015 IL App (1st) 142152, ¶ 17.

¶ 21 A. Ruffin's Supplemental Complaint

¶ 22 Before we address Ruffin's arguments regarding the dismissal of his claims we must address his argument that the trial court erred when it failed to rule on his motion for leave to file his "supplemental complaint" (which should have been styled as a second amended complaint).

¶ 23 Here, Ruffin failed to obtain a ruling from the trial court on his motion for leave to file a supplemental complaint prior to filing his notice of appeal. Our supreme court has often observed that "a movant [has] the responsibility to obtain a ruling on his motion if he is to avoid forfeiture on appeal." *Hernandez v. Pritikin*, 2012 IL 113054, ¶ 41. Moreover, "[a] subsequently filed notice of appeal following the failure by a litigant to obtain a ruling on a motion serves as an abandonment of the previously filed motion." *Rodriguez v. Illinois Prison Review Board,* 376 Ill.App.3d 429, 433 (2007) (*pro se* prisoner's failure to obtain a ruling from the trial court on his motion for a default judgment prior to filing his notice of appeal resulted in his abandonment of the motion and created a procedural default of any issue related to that motion for the purpose of appeal). Since Ruffin failed to obtain a ruling from the trial court on his motion for leave to file a supplemental

complaint, he has procedurally defaulted any argument regarding the supplemental complaint, and we will not address the allegations in that complaint on appeal.

¶ 24 B. Count I

¶ 25 Ruffin first argues that the trial court erred in dismissing his count for excessive lockdowns in violation of the Due Process clause because Ruffin first failed to exhaust all administrative remedies. The State concedes this point, correctly acknowledging that the failure to exhaust all administrative remedies is an affirmative matter that has no bearing on defendants' 2-615 motion to dismiss, where the issue is whether the allegations of the complaint, construed in the light most favorable to the plaintiff, are sufficient to establish a cause of action. However, even if the trial court erred in its reasoning, we can affirm a correct decision for any reason appearing in the record, regardless of the basis relied upon by the trial court. *O'Callaghan v. Satherlie*, 2015 IL App (1st) 142152, ¶ 17.

¶ 26 Whether conditions of detention for pretrial detainees are constitutional depends upon whether "those conditions amount to punishment of the detainee." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). "Not every disability imposed during pretrial detention amounts to 'punishment' in the constitutional sense." *Id.* at 537. That detention of a pretrial detainee "interferes with the detainee's understandable desire to live as comfortably as possible and with as little restraint as possible during confinement does not convert the conditions or restrictions of detention into 'punishment.' " *Id.*

¶ 27 Ruffin's count I claiming excessive lockdown was properly dismissed because he failed to allege any specific facts that would support a claim that he was locked down excessively. His claim is replete with general allegations regarding lockdowns in the jail, but it contains no specific facts as to the dates and times Ruffin was personally on lockdown. He asserts that he and

"similarly situated pre-trial detainees" spent a combined total of 496 hours on lockdown in October 2017, and those numbers increased to 1,968 in November 2017 and 1,905 hours in December 2017. However, Ruffin provides no facts as to how much time he personally was locked down in the jail, why he was subject to those specific lockdowns, and whether his lockdowns were unwarranted. Again, Illinois is a fact-pleading state, and Ruffin must plead specific facts to establish that he himself was subject to lockdowns so excessive as to amount to a punishment under the due process clause of the United States Constitution. U.S. Const., amend. V. *Rodriguez*, 376 Ill. App. 3d at 434. Since he has failed to do so, this count was properly dismissed.

¶ 28 C. Count II

¶ 29 Ruffin next argues that the trial court erred in dismissing count II for failure to state a claim. 735 ILCS 5/2-615 (West 2018). In count II Ruffin alleged that the jail's use of commissary funds to fund religious-based classes in the jail created an excessive entanglement between government and religion and therefore violated the establishment clause of the First Amendment. U.S. Const., amend. I.

¶ 30 The United States Supreme Court has held that the constitution does not require "complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religious, and forbids hostility toward any." *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984). Prisoners would "have restricted or even no access to religious services unless government takes an active role in supplying those services. That role is not an interference with, but a precondition of, the free (or relatively free) exercise of religion by members of these groups. The religious establishments that result are minor and seem consistent with, and indeed required by, the overall purposes of the First Amendment's religious clauses, which is to promote religious liberty." *Johnson-Bey v. Lane*, 863 F.2d 1308, 1312 (7th Cir. 1988). Further, the jail is not required to

provide each religious group with the same accommodations; though a jail is not permitted to favor a religious belief, it need not provide identical facilities for every religious group in the jail. *Henderson v. Berge*, 362 F. Supp. 2d 1030, 1033 (W.D. Wisc. 2005).

¶ 31 Whether the jail's programs and classes crossed the line and promoted "a particular religious doctrine" in violation of the establishment clause, however, was not sufficiently pled by Ruffin. Indeed, other than the bare assertion, Ruffin did not even plead facts specifying which religious doctrine was being promoted. Therefore, count II alleging a violation of the establishment clause was properly dismissed for failure to state a claim. *Rodriguez*, 376 Ill. App. 3d at 434; 735 ILCS 5/2-615 (West 2018).

¶ 32 D. Count III

¶ 33 Ruffin next contends that the trial court erred in dismissing count III for lack of standing. 735 ILCS 5/2-619(a)(9)(West 2018). In count III Ruffin alleged a cause of action for unjust enrichment when he was charged too much for commissary items. In that count he claimed that defendants had a duty to ensure that the jail's commissary prices were the same as prices for items sold at a local grocery store, and to make sure that any profits were used for the detainees' educational and recreational programs and other purposes for their benefit. These duties come from section 701.250(c) and 701.250(e) of the county jail standards. 20 Ill. Admn. Code § 701.250.

¶ 34 Unjust enrichment, however, is not an independent cause of action; rather, it is a condition that results from unlawful or improper conduct, such as fraud, duress, or undue influence, or, alternatively, it may be based on contracts that are implied by law. *Gagnon v. Schickel*, 2012 IL App (1st) 120645, ¶ 25. In reading Ruffin's complaint, the closest he comes to pleading facts that might underly a fraud claim have to do with the manner in which certain defendants filed reports

concerning the commissary or otherwise interacted with a "criminal justice specialist." We note that none of these purportedly fraudulent acts were perpetrated against Ruffin.

¶ 35 Fatal to Ruffin's standing is Section 3-15-2(b) of the Unified Code of Corrections (Code of Corrections), which sets forth the procedure by which compliance with county jail standards may be sought. Specifically, it provides:

> "(b) At least once each year, the Department of Corrections may inspect each adult facility for compliance with the standards established and the results of such inspection shall be made available by the Department for public inspection. *** If the facility is not in compliance with such standards when six months have elapsed from the giving of such notice, *the Director of Corrections or the Director of Juvenile Justice, as the case may be, may petition the appropriate court for an order* requiring such facility to comply with the standards established by the Department or for other appropriate relief."

730 ILCS 5/3-15-2(b) (West 2018)(Emphasis added).

¶ 36 Section 3-15-2 of the Code of Corrections does not provide for a private cause of action to ensure compliance with county jail standards. See *Bocock v. O'Leary,* 2015 IL App (3d) 150096 ¶ 9 (only the Department of Corrections Director "is statutorily authorized to petition a court to order compliance with the county jail standards.") Accordingly, Ruffin lacks standing to bring a claim for unjust enrichment based upon an underlying violation of jail standards, and the trial court properly dismissed counts III for lack of standing pursuant to section 2-619(a)(9) of the Code. 735 ILCS 5/2-619(a)(9) (West 2018).

¶ 37 E. Counts VI and VII

¶ 38 Ruffin next argues that the trial court erred in dismissing counts VI and VII, both of which address court access issues, for failure to state claim. 735 ILCS 5/2-615 (West 2018). Count VI

of Ruffin's complaint alleges a denial of access to the court based upon various problems in the jail, including lack of legal assistance to detainees, lack of access to legal research internet programs, lack of legal supplies and a notary service, as well as the jail's refusal to provide copies of legal documents. Ruffin claimed that the jail's policies in these regards set up "roadblocks" that hindered him from litigating his *pro se* federal lawsuit. He claimed that he was required to notarize his responses to interrogatories, which he could not do so because of jail policies. He argued that his failure to comply would lead to motions for sanctions and ultimately result in the lawsuit's dismissal. He also claimed that defendants' policies hindered him from filing a motion for counter sanctions against the defendant in the federal case. Finally, he asserted that he would be irreparably injured in his federal lawsuit by the jail's failure to allow him to make legal copies.

¶ 39 In count VII Ruffin alleged a denial of access to the courts based upon unconstitutional mail room policies such as opening legal mail outside of the detainees' presence, legal mail being delayed, an unreasonable return-to-sender policy and a lack of proper procedures to weigh outgoing legal mail. Again, Ruffin asserted that he would be irreparably injured in his federal lawsuit by the jail's failure to allow him to make legal copies.

¶ 40 While it is true that defendant is entitled to the use of an adequate law library to prepare his defense, such a right is not without limitations. *People v. Banks*, 161 Ill. 2d 119, 141 (1994). "A prisoner claiming a denial of his right to access to the courts must establish he suffered an actual injury, defined as actual prejudice to existing or impending litigation." *Romero v. O'Sullivan*, 302 Ill. App. 3d 1031, 1037 (1999) Actual injury means the hindrance of efforts to pursue a nonfrivolous legal claim. *Tarpley v. Allen County, Indiana*, 312 F. 3d 895, 899 (7th Cir. 2002). The mere denial of access to a prison law library or legal materials is not a violation of a prisoner's rights. *Marshall v. Knight*, 445 F.3d 965, 968 (7th Cir. 2006). His right is to access *the*

courts; only if the defendants' conduct prejudices a potentially meritorious challenge to Ruffin's conviction, sentence or confinement has his right to access the courts been infringed. *Id.*

¶ 41 Here, the federal lawsuit referred to in count VI involves the failure of the defendants named therein to provide him access to a free copy of his credit report and scores. That lawsuit clearly does not challenge his conviction, sentence, or conditions of confinement. Therefore, the alleged problems Ruffin raises to the federal lawsuit did not give rise to an access to the courts claim. *Id.*

¶ 42 In count VII Ruffin alleged that jail staff violated his attorney/client privilege when they opened his mail from the Illinois Attorney General (AG) Public Access Counselor. However, no confidential attorney/client relationship existed between Ruffin and the AG's Public Accessor Counselor, so this claim is without merit. More important, Ruffin failed to specifically allege how the jail personnel's mail practices prejudiced his ability to pursue a claim with arguable merit. Count VII also complains about Ruffin's mail being returned to him for insufficient postage. He alleges that this mail contained a mandamus complaint "to compel a certain prisoner review board chairman to grant him credit towards mandatory supervised release" and that certain exhibits attached to the complaint were the only copies he had. Significantly, however, Ruffin fails to allege that this resulted in his inability to file his complaint or to pursue his claim.

¶ 43 For all these reasons we find that the trial court properly dismissed counts VI and VII for failure to state a claim pursuant to section 2-615 of the Code. 735 ILCS 5/2-615 (West 2018).

¶ 44 III. CONCLUSION

¶ 45 In sum, Ruffin abandoned his motion for leave to file his supplemental complaint when he failed to obtain the trial court's ruling on that motion, thus forfeiting this issue on appeal. Count I was properly dismissed because plaintiff failed to allege specific facts to support a cause of action

for excessive lockdowns in the jail. Count II was properly dismissed for plaintiff's failure to state a claim for a violation of the Establishment Clause. Count III, alleging unjust enrichment, was properly dismissed for a lack of standing since the Code of Corrections did not provide for a private cause of action to ensure compliance with county jail standards. Count VI was properly dismissed for failure to state a claim because the lawsuit Ruffin referred to in that count did not challenge his conviction, sentence, or conditions of confinement. Finally, count VII was dismissed for failure to state a claim when Ruffin did not explain how the jail's alleged unconstitutional mail room practices denied him access to the courts. For all these reasons, we affirmed the trial court's order dismissing Ruffin's amended complaint.

¶ 46 Accordingly, the judgment of the circuit court of Winnebago County is affirmed.

¶ 47 Affirmed.