

Opinions for the week of February 15 – February 19, 2021

Gloria Krug v. Andrew Saul No. 20-1845

Argued January 26, 2021 — Decided February 16, 2021

Case Type: Civil

Eastern District of Wisconsin. No. 19-CV-38-JPS — **J.P. Stadtmueller**, *Judge*.

Before DIANE S. SYKES, *Chief Judge*; FRANK H. EASTERBROOK, *Circuit Judge*; THOMAS L. KIRSCH II, *Circuit Judge*.

ORDER

After voluntarily leaving her job at Wal-Mart, Gloria Krug applied for Social Security disability benefits. After a hearing, an administrative law judge ruled that Krug was not disabled because she could perform her past work. The district court upheld this decision. Because substantial evidence supports the ALJ's decision, we affirm.

David Igasaki v. IDFP No. 18-3351

Argued November 6, 2020 — Decided February 17, 2021

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:15-cv-03693 — **Andrea R. Wood**, *Judge*.

Before ROVNER, BRENNAN, and ST. EVE, *Circuit Judges*.

BRENNAN, *Circuit Judge*. David Igasaki, a state government attorney, alleged race, sex, age, and disability discrimination and retaliation by his former employer, the Illinois Department of Financial and Professional Regulation. On each claim, the district court granted summary judgment to the Department because Igasaki failed to provide sufficient evidence. We agree and affirm the district court's judgment.

LHO Chicago River, L.L.C. v. Rosemoor Suites, LLC No. 20-2506

Argued February 10, 2021 — Decided February 19, 2021

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 16 C 6863 — **Charles P. Kocoras**, *Judge*.

Before MANION, KANNE, and ROVNER, *Circuit Judges*.

KANNE, *Circuit Judge*. Chicago is home to two hotels named "Hotel Chicago." Some years ago, the operator of one Hotel Chicago—LHO Chicago River, L.L.C. ("LHO")—sued the operators of the other Hotel Chicago—Rosemoor Suites, LLC, and associated entities ("Rosemoor")—for trademark infringement and related claims. LHO dropped its case in February 2018, but a dispute over attorney fees rages on. The district court denied Rosemoor's first request for fees in 2018. Rosemoor appealed, and we remanded with instructions for the district court to apply the standard announced by the Supreme Court in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545 (2014). On remand, the district court denied Rosemoor's renewed request for fees, and Rosemoor appealed again. We now consider whether the district court erred in denying Rosemoor's fee request a second time. We conclude that it did not. The district court heeded our instruction to apply the *Octane Fitness* standard and reasonably exercised its discretion in weighing the evidence before it. We therefore affirm the district court's denial of Rosemoor's renewed motion for attorney fees.

Michael Mejia v. Randy Pfister No. 19-2720

Argued December 11, 2020 — Decided February 19, 2021

Case Type: Prisoner

Central District of Illinois. No. 1:15-cv-1498 — **James E. Shadid**, *Judge*.
Before ROVNER, HAMILTON, and SCUDDER, *Circuit Judges*.

SCUDDER, *Circuit Judge*. Illinois inmate Michael Mejia sued correctional officials in federal court challenging his filthy cell conditions and constant hallway lighting that prevented him from sleeping. His primary claim survived dismissal and later summary judgment and proceeded to trial, with the jury returning a defense verdict. Six times along the way Mejia asked the district court to appoint counsel, and each time the court denied the request. Applying the standards we articulated in *Pruitt v. Mote*, 503 F.3d 647 (7th Cir. 2007) (en banc), the district court observed that Mejia, who had experience with the litigation process from prior cases, demonstrated through his many filings that he understood his burden of proof and was fully capable of assembling evidence and marshaling arguments to support his contention that the conditions of confinement within the Pontiac Correctional Center violated the Eighth Amendment. Seeing no abuse of discretion in the district court's rulings, we affirm.

USA v. Teria Anderson No. 19-2361

Argued October 26, 2020 — Decided February 19, 2021

Case Type: Criminal

Southern District of Indiana, Indianapolis Division. No. 1:17-cr-00158-SEB-TAB-8 — **Sarah Evans Barker**, *Judge*.

Before EASTERBROOK, ROVNER, and WOOD, *Circuit Judges*.

WOOD, *Circuit Judge*. For years, Teria Anderson sold large quantities of heroin to drug dealers and end users in the Indianapolis area. A jury eventually found Anderson guilty of two drug charges—distributing a controlled substance and conspiracy to distribute. The jury also found that Anderson had caused “serious bodily injury” to an end user who overdosed on her drugs; that finding exposed her to an enhanced sentence. In the end, however, the court imposed a below-guidelines term of 300 months’ imprisonment. On appeal, Anderson’s primary arguments take issue with her distribution conviction and the applicability of the serious-bodily-injury enhancement. She also contends that the court erred when it applied a two-level leadership enhancement to her guidelines range. She urges that her distribution conviction should be vacated because it was based on an aiding-and-abetting theory of liability that was unsupported by the evidence. And if we vacate her distribution conviction, Anderson continues, we must also vacate her serious-bodily-injury enhancement, because it is impossible to tell from the jury’s verdict whether that enhancement applied only to her flawed distribution conviction, only to her unchallenged conspiracy conviction, or to both. We agree with Anderson on both grounds. We therefore vacate her distribution conviction and her sentence and remand to the district court for resentencing on the conspiracy conviction without the serious-bodily-injury enhancement.

Only the text of the opinions is used. No editorial comment is added. For back issues or to send a comment, please contact [Sonja Simpson](#).