Opinions for the week of June 20 - June 24, 2016

Semir Sirazi v. General Mediterranean Holding Nos. 15-3655, 15-3505
Argued May 23, 2016 — Decided June 20, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 12 C 653 — **William T. Hart**, *Judge.*
Before BAUER, POSNER, and WILLIAMS, *Circuit Judges.*

POSNER, Circuit Judge. The dramatis personae of this complex commercial case (a diversity suit governed by Illinois law) are as follows: Plaintiff Sirazi owns or controls the other two plaintiffs, and to simplify we'll treat him as the sole plaintiff. General Mediterranean Holding (usually referred to as GMH) is the principal defendant and appellant and the parent of defendant Orifarm, which has been dissolved and so can be ignored. Defendant Auchi is the owner and board chairman of GMH. A jury awarded Sirazi compensatory damages of $12.9 million against GMH and Auchi together, and punitive damages of $5 million against each of them, although the judge set aside the award against Auchi, precipitating Sirazi's cross-appeal… AFFIRMED IN PART AND REVERSED IN PART.

Jacob Saathoff v. Andre Davis No. 15-3415
Argued May 20, 2016 — Decided June 20, 2016
Case Type: Civil
Central District of Illinois. No. 2:13-cv-02253-CSB-EIL— **Colin S. Bruce**, *Judge.*
Before FLAUM and MANION, *Circuit Judges,*and ALONSO, *District Judge.*

ALONSO, District Judge. After Champaign, Illinois police officer Andre Davis shot and killed their dog, plaintiffs-appellants, Jacob Saathoff, Kathy Saathoff, and Kelsey Markou, sued Davis and the City of Champaign under 42 U.S.C. § 1983 for violating their Fourth Amendment rights. The § 1983 claim against Davis was tried to a jury, which returned a verdict for Davis. The district court entered judgment on the verdict. Plaintiffs appeal from that judgment, which we affirm.

USA v. Anish Dave No. 15-3329
Argued April 13, 2016 — Decided June 20, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 1:13-cv-08867 — **Jorge L. Alonso**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*DANIEL A. MANION, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge.*

ORDER
This is a straightforward immigration appeal brought by Anish Dave, who was born in India and later naturalized as a United States citizen in 2005. Before he was naturalized, Dave was charged with aggravated criminal sexual assault of a minor, and he pleaded guilty to this charge after he was naturalized. As this order will discuss, Dave was statutorily ineligible for naturalization when he received his certificate of citizenship. We therefore affirm the district court's decision, based on Dave's illegal procurement of his citizenship, to grant summary judgment in the government's favor.

USA v. Tiana Williams No. 15-2288
Argued April 27, 2016 — Decided June 20, 2016
Case Type: Criminal
Western District of Wisconsin. No. 14-cr-00108 — **James D. Peterson**, *Judge.*

Before JOEL M. FLAUM, *Circuit Judge;*DANIEL A. MANION, *Circuit Judge;*ANN CLAIRE WILLIAMS, *Circuit Judge.*

ORDER
Tiana Williams was charged by indictment with several crimes relating to her role in helping Charles Evans sell heroin. She eventually pleaded guilty to conspiring to intimidate a witness, see 18 U.S.C. §§ 371, 1512(b), but as part of her plea agreement, she also stipulated that, as charged in the indictment, she had conspired with Evans to possess and distribute heroin, see 21 U.S.C. §§ 846, 841(a)(1). The district court calculated her guidelines imprisonment range as though she had been convicted of the drug conspiracy, see U.S.S.G. § 1B1.2, and sentenced her to 24 months' imprisonment. Williams filed a notice of appeal, but her appointed counsel represents that the appeal is frivolous and seeks to withdraw… we GRANT counsel's motion to withdraw and DISMISS the appeal.

USA v. Charles A. Evans No. 15-2287
Argued April 27, 2016 — Decided June 20, 2016
Case Type: Criminal
Western District of Wisconsin. No. 14-CR-00108 — **James D. Peterson**, *Judge.*
Before FLAUM, MANION, and WILLIAMS, *Circuit Judges.*

MANION, Circuit Judge. Charles Evans pleaded guilty to distributing heroin… and was sentenced below the guidelines range to 144 months' imprisonment. He challenges his sentence, arguing that he should not have received a two-level upward adjustment which applies if a drug offender "maintained a premises for the purpose of manufacturing or distributing a controlled substance," U.S.S.G. § 2D1.1(b)(12), and denying a two-level reduction for acceptance of responsibility, id. § 3E1.1. We affirm the judgment.

Jozihey Acuna-Hinojosa v. Loretta Lynch No. 15-3622
Argued June 8, 2016 — Decided June 21, 2016
Case Type: Agency
Petition for Review of an Order of the Board of Immigration Appeals. No. A200-152-477
Before WILLIAM J. BAUER, *Circuit Judge;*DANIEL A. MANION, *Circuit Judge;*MICHAEL S. KANNE, *Circuit Judge.*

ORDER
Jozihey Acuna-Hinojosa, a citizen of Mexico, sought to postpone his removal proceedings so that he could pursue a state post-conviction challenge to an Indiana conviction which makes him ineligible for Deferred Action for Childhood Arrivals ("DACA"). The immigration judge ("IJ") thought it too speculative to assume that Acuna-Hinojosa would succeed in getting the conviction set aside and denied a continuance, a decision seconded by the Board of Immigration Appeals. Acuna-Hinojosa has filed a petition for review, which we deny because he did not present evidence of good cause for a continuance.

Women's Health Link, Inc. v. Fort Wayne Public Transportation No. 16-1195
Argued June 2, 2016 — Decided June 22, 2016
Case Type: Civil
Northern District of Indiana, Fort Wayne Division. No. 1:14-cv-00107-RLM — **Robert L. Miller, Jr.**, *Judge.*
Before POSNER and SYKES, *Circuit Judges,*and YANDLE, *District Judge.*

POSNER, Circuit Judge. The defendant, colloquially referred to as "Citilink," is a municipal corporation that provides bus service in Fort Wayne, Indiana, and also has regulatory authority over advertisements both inside the buses and on the buses' exterior. The plaintiff is a nonprofit corporation (which we'll call Health Link for the sake of brevity) that provides health care for women in Fort Wayne. It wanted to post…

(an) …advertisement in Citilink's buses… Citilink refused to allow the ad to be posted. It forbids public service ads that "express or advocate opinions or positions upon political, religious, or moral issues." Although the proposed ad did not express or advocate any such opinion or position, Citilink discovered that Health Link, although it provides a variety of uncontroversial health services, mainly in the form of referrals to providers of health care, is pro-life and so suggests (though not in the ad) that women with unplanned or crisis pregnancies consider health care and related services that provide alternatives to abortion, such as adoption counseling. Since abortion is generally regarded as a moral issue, Citilink concluded that Health Link's proposed ad was ineligible to appear in or on Citilink buses, even though the ad itself… contains not the faintest reference to abortion or its alternatives… It is against this background that Health Link has sued Citilink charging it with, among other violations of constitutional rights, arbitrarily denying freedom of expression, the arbitrariness consisting in the fact that Health Link's proposed ad complies fully with the conditions set forth in Citilink's rules. It is a public service announcement that does not so much as hint at advocating or endorsing any political, moral, or religious position. Even if one goes behind the ad to the organization's website, one must go to the mission statement and the "Diaper Project" pages for an indication of a pro-life position. Yet the district judge granted summary judgment in favor of Citilink. He shouldn't have… The judgment in favor of Citilink is reversed with instructions to enter judgment for the plaintiff enjoining Citilink's refusing to post the plaintiff's proposed ad in its buses.

Nancy Thomas v. Carolyn Colvin No. 15-2390
Argued March 2, 2016 — Decided June 22, 2016
Case Type: Civil
Northern District of Indiana, South Bend Division. No. 3:14-cv-00651-TLS-JEM — **Theresa L. Springmann**, *Judge.*
Before WOOD, *Chief Judge,*and BAUER and KANNE, *Circuit Judges.*

PER CURIAM. Nancy Thomas applied for Supplemental Security Income in 2010 when she was 55 years old. An ad- her back and left shoulder, Graves' disease, and dysthymic disorder (a form of chronic depression). But the ALJ concluded that these impairments do not impose more than minimal limitations on Thomas's ability to work and denied her application. Thomas disputes the ALJ's omission of fibromyalgia from the list of impairments and contends that his conclusion about the severity of her physical impairments is not supported by substantial evidence. (She does not discuss the ALJ's conclusion that she does not have a severe mental impairment.) We agree with both of Thomas's contentions and remand the case for further proceedings.

Carlos G. Rocha v. J. Gordon Rudd, Jr. No. 15-1538
Argued November 4, 2015 — Decided June 22, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 14 C 4857 — **Milton I. Shadur**, *Judge.*
Before KANNE, ROVNER, and SYKES, *Circuit Judges.*

KANNE, Circuit Judge. Defendants, a group of law firms and several of their attorneys, had previously represented Plaintiff Carlos Rocha and other FedEx delivery drivers in an employment misclassification case against FedEx. The employment misclassification case ultimately settled, but Rocha was excluded from the settlement. Just before the settlement was finalized, Rocha retained Johnson, his current spouse, and discharged Defendants as his counsel. Rocha later sued Defendants in federal district court, alleging several theories of harm, including legal malpractice and fraud, in association with the case against FedEx. The district court dismissed Rocha's amended complaint, and Rocha appealed. We affirm.

Rashaad Imani v. William Pollard No. 14-3407

Argued January 13, 2016 — Decided June 22, 2016
Case Type: Prisoner
Western District of Wisconsin. No. 11-cv-677-wmc — **William M. Conley**, *Chief Judge.*
Before WOOD, *Chief Judge,*and BAUER and HAMILTON, *Circuit Judges.*

HAMILTON, Circuit Judge. The Sixth Amendment guarantees a mentally competent defendant the right to represent himself in a criminal trial, no matter how foolish that choice may seem. Faretta v. California, 422 U.S. 806 (1975). This constitutional right "exists to affirm the dignity and autonomy of the accused and to allow the presentation of what may, at least occasionally, be the accused's best possible defense." McKaskle v. Wiggins, 465 U.S. 168, 176–77 (1984). A judge may not deny a competent defendant's timely invocation of his right. See Faretta, 422 U.S. at 835–36. Petitioner-appellant Rashaad Imani tried to exercise his right to represent himself in a criminal prosecution in the Wisconsin state courts. The trial judge prevented him from doing so. Imani was convicted at a trial in which he was represented by a lawyer he did not want. A divided Wisconsin Supreme Court affirmed his conviction, finding that Imani was not competent to represent himself and had not made a sufficiently knowing and voluntary choice to do so. That decision was an error. Further, it was contrary to and an unreasonable application of clearly established federal law as determined by United States Supreme Court decisions, thus satisfying the stringent standard for federal habeas corpus relief under 28 U.S.C. § 2254(d)(1). Imani is entitled to a writ of habeas corpus ordering either his prompt release or a new trial… The district court's judgment is REVERSED and the case is REMANDED with instructions to grant the writ of habeas corpus ordering that Imani be either released or retried promptly.

Yasmeen Sturdivant v. U.S. Bank National Association No. 15-3512
Submitted June 23, 2016 — Decided June 23, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 15 C 4957 — **Robert W. Gettleman**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER
Yasmeen Sturdivant appeals the dismissal of her suit loosely alleging civil rights violations in connection with the sale of her home at an auction based on a foreclosure judgment. We affirm.

John H. Germeraad v. Myrick J. Powers No. 15-3237
Argued April 11, 2016 — Decided June 23, 2016
Case Type: Bankruptcy from District Court
Central District of Illinois. No. 14-CV-03128 — **Sue E. Myerscough**, *Judge.*
Before BAUER and WILLIAMS, *Circuit Judges,*and ADELMAN, *District Judge.*

ADELMAN, District Judge. Myrick Powers and Elvie Owens-Powers filed a petition under Chapter 13 of the Bankruptcy Code. After the bankruptcy court confirmed their plan, the Chapter 13 trustee filed a motion to modify the plan to increase the debtors' payments to the general unsecured creditors. The trustee's motion was based on an increase in the debtors' income, which, the trustee argued, resulted in their ability to pay more to their creditors under the plan. The bankruptcy court denied the motion. The trustee appealed to the district court, which affirmed. The trustee then filed this appeal. We vacate the judgment of the district court and remand for further proceedings.

Beverly Norwood v. Carolyn Colvin No. 15-3060
Submitted June 23, 2016 — Decided June 23, 2016
Case Type: Civil

Northern District of Illinois, Eastern Division. No. 14 C 6901 — **Charles R. Norgle**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER
Beverly Norwood, now 46 years old, applied in 2009 for Supplemental Security Income, claiming that poor eyesight had rendered her disabled since 2000. An administrative law judge denied benefits, and the district court upheld that decision as supported by substantial evidence, see 42 U.S.C. § 405(g). We affirm the judgment.

ACF 2006 Corp v. Timothy Devereux No. Nos. 15-3037 & 15-3048
Argued April 13, 2016 — Decided June 23, 2016
Case Type: Civil
Southern District of Indiana, Indianapolis Division. No. 1:13-cv-01286-TWP-DML — **Tanya Walton Pratt**, *Judge.*
Before EASTERBROOK, MANION, and ROVNER, *Circuit Judges.*

EASTERBROOK, Circuit Judge. Attorney William F. Conour stole more than $4.5 million from clients' trust funds, was convicted of fraud, and is serving ten years in prison. Shortly before these crimes came to light, attorney Timothy Devereux left Conour Law Firm, LLC, and took 21 clients with him to Mark Ladendorf's law firm. These clients ultimately produced attorneys' fees aggregating some $2 million. This appeal presents a three-corner fight about who gets how much of that money. The contestants are Devereux and the Ladendorf Firm (collectively the Lawyers), several persons from whom Conour stole (collectively the Victims), and ACF 2006 (the Lender), whose parent corporation Advocate Capital, Inc., made a loan to the Conour Firm to finance the legal work and out-of-pocket expenses that a contingent-fee law firm must bear while suits are in progress… The judgment of the district court is reversed, and the case is remanded for the entry of judgment consistent with this opinion.

Jaded Martinez v. Peter Cahue No. 16-1609
Argued June 1, 2016 — Decided June 24, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 15 C 11411 — **John J. Tharp, Jr.**, *Judge.*
Before WOOD, *Chief Judge,*and BAUER and FLAUM, *Circuit Judges.*

WOOD, Chief Judge. For the first seven years of A.M.'s life, he lived in Illinois with his mother, Jaded Mahelet Ruvalcaba Martinez. A.M.'s father, Peter Valdez Cahue, lived nearby, although he and Martinez never married. They entered into a private arrangement, never formalized through a court order, for custody and visitation rights. The events leading to the lawsuit before us arose when, in 2013, Martinez moved to Mexico and took A.M. with her. About a year later, Cahue persuaded Martinez to send A.M. to Illinois for a visit; he then refused to return A.M. to Mexico. Martinez petitioned for his return under the Hague Convention on Civil Aspects of International Child Abduction… Relying heavily on its finding that Martinez and Cahue did not share the view that A.M.'s habitual residence (a term of art under the Convention) would be shifted to Mexico, the district court found that Illinois remained A.M.'s habitual residence and dismissed Martinez's petition. We conclude that the district court asked the wrong question, and thus came to the wrong answer. At all relevant times, Martinez had sole custody of A.M. under Illinois law, while Cahue had no right of custody either under Illinois law or the Convention. That means that only Martinez's intent mattered, and it is plain that Martinez wanted A.M.'s habitual residence transferred to Mexico. Cahue's retention of A.M. in Illinois was therefore wrongful and he must be returned to Mexico.

Paul Andress v. Daubert Law Firm LLC No. 16-1078
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Civil
Eastern District of Wisconsin. No. 15-CV-423-JPS — **J.P. Stadtmueller**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER
Paul Andress brought this suit against lawyer Michael Stueland and Daubert Law Firm claiming that the defendants violated several provisions of the Fair Debt Collection Practices Act, see 15 U.S.C. §§ 1692a–1692l, during state-court litigation to collect a defaulted car loan. The district court dismissed some of the claims under the Rooker–Feldman doctrine for lack of subject-matter jurisdiction… and the rest for noncompliance with the pleading standards in Federal Rule of Civil Procedure 8. We agree with the court's application of the Rooker–Feldman doctrine and also conclude that Andress has waived any challenge to the dismissal of his other claims… AFFIRMED.

John Otrompke v. Bradley Skolnik No. 15-3875
Submitted May 3, 2016 — Decided June 24, 2016
Case Type: Civil
Northern District of Indiana, Hammond Division. No. 2:14-cv-00296-RLM-JEM — **Robert L. Miller, Jr.**, *Judge.*
Before POSNER, FLAUM, and HAMILTON, *Circuit Judges.*

POSNER, Circuit Judge. Section 3 of Rule 12 of the Indiana Rules for the Admission to the Bar and the Discipline of Attorneys states: "No person who advocates the overthrow of the government of the United States or this state by force, violence or other unconstitutional or illegal means, shall be certified to the Supreme Court of Indiana for admission to the bar of the court and a license to the practice of law." The plaintiff intends to engage in "revolutionary advocacy," as by distributing the Charter of Carnaro (Gabrielle d'Annunzio's constitution, combining proto-fascist, anarchist, and democratic ideas, for his short-lived rule over Fiume in 1920), and Marx and Engels' Communist Manifesto, and he is concerned, he says, that his actions will be deemed to violate Rule 12(3). He doesn't quite say that he intends to advocate the overthrow of the government of the United States or of Indiana by illegal means. But he implies that, both by his citation to the Communist Manifesto and by arguing that the defendants are violating the First Amendment by refusing to admit to the Indiana bar any "person who advocates the overthrow of the United States or this state by force, violence, or other unconstitutional or illegal means"— presumably he is such a person. His suit, which is against the director of Indiana's bar examiners and the state's attorney general, seeks to enjoin the enforcement of Rule 12(3) on the ground that it infringes freedom of speech, in violation of the U.S. Constitution… At present (Otrompke) has no standing to maintain a suit such as this because he can't show harm. The judgment of the district court is therefore AFFIRMED.

Ronald Hawrelak v. Carolyn Colvin No. 15-3253
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Civil
Central District of Illinois. No. 13-3026 — **Sue E. Myerscough**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;* ILANA DIAMOND ROVNER, *Circuit Judge;* DIANE S. SYKES, *Circuit Judge.*

ORDER
Ronald Hawrelak appeals the district court's judgment affirming the decision of the Commissioner of Social Security to reduce his Social Security retirement benefits based on his receipt of similar benefits from Canada. Because substantial evidence supports the Commissioner's decision, we affirm.

Board of Trustees v. Full Circle Group, Inc. No. 15-2497
Argued May 23, 2016 — Decided June 24, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 13 C 5868 — **Charles P. Kocoras**, *Judge.*
Before BAUER, POSNER, and WILLIAMS, *Circuit Judges.*

POSNER, Circuit Judge. The plaintiff, a board that administers a multiemployer defined-benefit pension plan sponsored by Mechanics' Local Union No. 701, filed this suit against a company named Full Circle Group and its subsidiaries seeking to impose withdrawal liability on them (we'll treat all the companies as a single entity, which we'll dub FCG)… AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Anthony McFarland v. Tricam Industries, Inc. No. 15-2308
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 13 C 4576 — **Susan E. Cox**, *Magistrate Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER
Anthony McFarland appeals a judgment following a jury verdict for Tricam Industries, Inc., in his diversity action asserting product-liability claims. McFarland had been using a stepladder manufactured by Tricam that became unhinged and collapsed beneath him, causing severe injuries to his face and neck. We affirm.

Paul Morrow v. Aaron Hood No. 15-2300
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Prisoner
Southern District of Illinois. No. 13-CV-331-NJR-DGW — **Nancy J. Rosenstengel**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit; Judge* ILANA DIAMOND ROVNER, *Circuit Judge;* DIANE S. SYKES, *Circuit Judge.*

ORDER
Paul Morrow, an Illinois prisoner, claims in this suit under 42 U.S.C. § 1983 that the defendants, all of them guards or medical staff at Menard Correctional Center, violated the Eighth Amendment by assaulting him and then refusing medical treatment for his injuries. After an evidentiary hearing, *see Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008), the district court found that Morrow had not exhausted his administrative remedies as to any of the defendants and dismissed the case, *see* 42 U.S.C. § 1997e(a). Because that finding is not clearly erroneous, we affirm the dismissal.

Daniel Storm v. United States Parole Commission No. 15-2178
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Prisoner
Eastern District of Wisconsin. No. 14-cv-1037-pp — **Pamela Pepper**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER

Daniel Storm appeals from the denial of his petition for a writ of habeas corpus, see 28 U.S.C. § 2241, which challenges a modification to the conditions of his lifetime term of “special parole.”… AFFIRMED.

Coran Smith v. CTA No. 15-1714
Submitted June 23, 2016 — Decided June 24, 2016
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 12 C 8716 — **Sidney I. Schenkier**, *Magistrate Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge;*ILANA DIAMOND ROVNER, *Circuit Judge;*DIANE S. SYKES, *Circuit Judge.*

ORDER
The Chicago Transit Authority fired Coran Smith after he disclosed confidential emails at a fact-finding conference on a discrimination charge at the Illinois Department of Human Rights. Smith responded with this suit. He says that the CTA fired him to retaliate for what he contends is protected activity: submitting, in support of his charge of discrimination, emails that the CTA had not authorized him to possess, proposing budgets and layoffs. After a bench trial at which a magistrate judge presided by consent, the magistrate judge ruled that Smith’s disclosure violated the CTA’s confidentiality policy and was not protected activity; therefore the CTA could lawfully fire him for breaching its policy. Because the district court’s factual findings are not clearly erroneous and it correctly ruled that Smith’s disclosure was not protected, we affirm.

Melecio Flores v. USA No. 14-2351
Argued April 26, 2016 — Decided June 24, 2016
Case Type: Prisoner
Southern District of Indiana, Indianapolis Division. No. 1:13-cv-1679-WTL-DML — **William T. Lawrence**, *Judge.*
Before MICHAEL S. KANNE, *Circuit Judge;* DIANE S. SYKES, *Circuit Judge;* DAVID F. HAMILTON, *Circuit Judge.*

ORDER
Melecio Flores pleaded guilty to two drug-conspiracy charges and one gun charge pursuant to a binding plea agreement that subjected him to 180 to 300 months'
imprisonment and required him to waive his rights to appeal and to collaterally attack his sentence. He was sentenced to 216 months, and we dismissed his appeal
based on the appeal waiver contained in his then-uncontested guilty plea. *United States v. Flores*, 485 F. App'x 141 (7th Cir. 2012). Flores then moved to vacate
his sentence under 28 U.S.C. § 2255, and the district court denied relief based on the collateral-attack waiver. We certified the appeal to consider whether his guilty plea was voluntary. We conclude that it was and that Flores therefore has waived his right to bring this § 2255 motion… Accordingly, we AFFIRM the district court’s judgment.

Marcos Gray v. Marcus Hardy No. 13-3413
Argued December 3, 2015 — Decided June 24, 2016
Case Type: Prisoner
Northern District of Illinois, Eastern Division. No. 11 C 7097 — **Rebecca R. Pallmeyer**, *Judge.*
Before WOOD, *Chief Judge,* and MANION and HAMILTON, *Circuit Judges.*

WOOD, Chief Judge. If Marcos Gray is to be believed, he has been living in disgusting conditions at Illinois’s Stateville Correctional Center, where he has been for the last 15 years. Gray sued Stateville’s warden, Marcus Hardy, in his individual capacity under 42 U.S.C. § 1983, alleging that the warden vio-

lated the Eighth Amendment by failing adequately to address (among other things) the infestation of vermin, insects, and birds in Gray's cell. (Randy Pfister is now the warden at Stateville, but because this suit is not against Hardy in his official capacity, there is no need to substitute or add Warden Pfister at this stage.) The district court granted summary judgment to Warden Hardy, finding that none of the conditions Gray described were so bad that they violated the Eighth Amendment. Gray has appealed from the adverse judgment with respect to the infestations and unsanitary conditions, and he has also asked this court to direct the district court to consolidate his case with a similar pending class action in Dobbey v. Weilding, No. 13 C 1068 (N.D. Ill.). We conclude that Gray's individual claims were dismissed prematurely, and so we remand for further proceedings. At that point, the district court can decide how to coordinate this case with the class action.

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.