Opinions for the week of June 29 – July 3, 2020

Yong Juan Zhao v. USA No. 19-3071
Argued June 5, 2020 — Decided June 29, 2020
Case Type: Civil
Southern District of Illinois. No. 3:17-cv-00454-NJR-GCS — **Nancy J. Rosenstengel**, *Chief Judge*.
Before EASTERBROOK, HAMILTON, and SCUDDER, *Circuit Judges*.

HAMILTON, *Circuit Judge*. This is an appeal from a Federal Tort Claims Act judgment in favor of the plaintiff. When plaintiff Yong Juan "Maggie" Zhao gave birth to her son "S.," he suffered an avoidable brachial plexus injury. The injury has severely and permanently impaired the function of his right arm. During her pregnancy and S.'s birth, Mrs. Zhao was attended by an obstetrician employed by a federally supported grant clinic in southern Illinois. Because he is considered an employee of the United States Public Health Service under 42 U.S.C. § 233(g), Mrs. Zhao sued the United States for medical malpractice under the Federal Tort Claims Act. The court found after trial that the obstetrician had been negligent and awarded Mrs. Zhao, on behalf of S., $8.3 million. That sum included $2.6 million in lost earnings and $5.5 million in noneconomic damages. On appeal, the United States does not contest liability or damages awarded for past and future medical expenses. The government appeals only the portions of the damages award that are inherently difficult to quantify. S. was not quite five years old at the time of trial. The United States argues first that the district court's calculation of S.'s future lost earnings was improperly speculative, given the uncertainties inherent in projecting a five-year-old's career opportunities. The question may have been difficult to answer, but we find no reversible error. The district court took a reasonable approach to estimate the lost earnings award based on data provided in expert testimony. The United States also challenges the award of noneconomic damages as arbitrary and excessive in comparison to similar cases. The district court could have provided a more detailed explanation of its comparative process, but we can follow the court's reasoning and find no reversible error in this portion of the judgment. We affirm the judgment of the district court.

USA v. Jacqueline Kennedy-Robey No. 19-2421
Argued February 13, 2020 — Decided June 29, 2020
Case Type: Criminal
Northern District of Illinois, Eastern Division. No. 1:19-cr-54-1 — **Ronald A. Guzmán**, *Judge*.
Before FLAUM, MANION, and BARRETT, *Circuit Judges*.

BARRETT, *Circuit Judge*. Jacqueline Kennedy-Robey pleaded guilty to one count of mail fraud in violation of 18 U.S.C. § 1341. The district court imposed an above-guidelines sentence. On appeal, Kennedy-Robey argues that the district court failed to consider either her mental health condition or the more lenient sentences received by defendants convicted of similar crimes. She also argues that the sentence was substantively unreasonable. We disagree and affirm the district court's judgment.

James Crawford v. Frank Littlejohn No. 19-1949
Argued June 5, 2020 — Decided June 29, 2020
Case Type: Prisoner
Southern District of Indiana, Terre Haute Division. No. 2:18-cv-00234-WTL-MJD — **William T. Lawrence**, *Judge*.
Before EASTERBROOK, HAMILTON, and SCUDDER, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. A prison disciplinary board in Indiana concluded that James Crawford had participated in an "unauthorized financial transaction" by telling Scott Wolf, a fellow inmate, to send $400 to his mother, Becky Crawford. Wolf sent the check, which Becky Crawford cashed. Wolf told prison

officials that the payment covered the cost of drugs that Crawford had supplied… Crawford says that the structure of this definition—a broad term ("financial transactions") followed by three non-exclusive examples—makes it unconstitutionally vague. We do not agree. The phrase "financial transactions" is broad, but broad differs from inscrutable. The rule is sweeping, not vague. People of common understanding can see what is forbidden. REVERSED

Victoria Jeffords v. BP Corporation North America No. 19-1533
Argued December 4, 2019 — Decided June 29, 2020
Case Type: Civil
Northern District of Indiana, Hammond Division. No. 2:15-cv-00055-TLS — **Theresa L. Springmann**, *Judge.*
Before FLAUM, RIPPLE, and HAMILTON, *Circuit Judges*.

HAMILTON, *Circuit Judge*. Donald Jeffords was a crane operator on a construction project at an oil refinery. One day at work he fell seven feet from the catwalk on the body of a crane and injured his feet and back. He sued the project owner and several of its contractors for negligence. While this lawsuit was pending, Jeffords died, apparently of unrelated causes, so his suit is now being prosecuted by his widow, Victoria Jeffords, as his estate's administrator. The district court granted the defendants' motions for summary judgment, finding that none of the defendants whom Jeffords sued owed him a duty of care. We affirm.

Abdullah Alkhalidi v. Ron Neal No. 19-1378
Argued November 4, 2019 — Decided June 29, 2020
Case Type: Prisoner
Northern District of Indiana, South Bend Division. No. 3:17-cv-00185-PPS-MGG — **Philip P. Simon**, *Judge*.
Before WOOD, *Chief Judge*, and BAUER and BRENNAN, *Circuit Judges*.

BAUER, *Circuit Judge*. Abdullah Alkhalidi ("Alkhalidi") was convicted of murder, robbery, and theft. He appealed, claiming that his attorney failed to advise him of a plea offer. The Indiana state court denied relief, holding Alkhalidi's innocence claim strongly indicated he would not have accepted the plea deal. The state court also held that Indiana requires a defendant to admit a plea deal's factual basis otherwise the trial court would be prevented from entering the plea. Alkhalidi filed for habeas corpus relief and the district court denied the petition. For the following reasons, we affirm.

One Wisconsin Institute, Inc., et al. v. Mark Thomsen Nos. 16-3003 & 16-3052, 16-3083 & 16-3091
Ruthelle Frank, et al. v. Tony Evers
Argued February 24, 2017 — Decided June 29, 2020
Case Type: Civil
Eastern District of Wisconsin. No. 11-C-1128 — Lynn Adelman, *Judge*.
Western District of Wisconsin. No. 15-cv-324-jdp — James D. Peterson, *Chief Judge*.
Before EASTERBROOK, KANNE, and SYKES, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. Change is a constant in Wisconsin's rules for holding elections. Two suits, which we have consolidated for decision on appeal, present challenges to more than a dozen provisions that have been enacted or amended since 2011. Although we have tried to treat similar legal questions together and otherwise simplify the exposition, a brief introduction may help the reader… We affirm in part, reverse in part, and vacate in part, the judgments of the Western District. We reverse the district court's finding that the adjustments to the number of days and hours for in-person absentee voting, the state's durational residence requirement, and the prohibition on sending absentee ballots by

email or fax violate the Constitution, the Voting Rights Act, or both. We vacate the district court's orders related to the one-location rule and the ID petition process and remand both, the former with instructions to dismiss as moot and the latter for further proceedings. We affirm the district court's judgment that Wisconsin's student ID provision is invalid and its judgment concerning citizenship on educational institution's dorm lists, though on alternate grounds for each. We otherwise affirm the district court's judgment. We reverse the Eastern District's injunction requiring Wisconsin to implement an affidavit option. We suggest that all of these cases be assigned on remand to a single judge. The Chief Judge of the Seventh Circuit has designated the judges of each district to sit in the other. Using that cross-designation to place all of this litigation before a single judge will eliminate the sort of inconsistent treatment that has unfortunately occurred in the photo-ID parts of the multiple suits.

Christine Bryant v. Compass Group U.S.A., Inc. No. 20-1443
Amended on Denial of Rehearing and Rehearing en Banc June 30, 2020
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 19-C-6622 — **Virginia M. Kendall**, *Judge*.
Before DIANE P. WOOD, *Chief Judge*; KENNETH F. RIPPLE, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*.

ORDER
Defendant-Appellant Compass Group, Inc., filed a petition for rehearing and rehearing en banc on May 19, 2020. No judge in regular active service has requested a vote on the petition for rehearing en banc, and all of the judges on the panel have voted to deny rehearing, but to amend the opinion as follows, on page 16 of the slip opinion, to add two new sentences after the first sentence under heading II.D.: "Bryant's claim under section 15(a) is a separate matter. Importantly, Bryant alleged only a claim under the provision of that section requiring development of a "written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information," not under the provision requiring compliance with the established retention schedule and destruction guidelines. Our analysis is thus limited to the theory she invoked. Section 15(a) obligates private entities … ." With this amendment, the petition for rehearing and rehearing en banc is DENIED.

USA v. Kevin Pulley No. 20-1008
Submitted June 30, 2020 — Decided June 30, 2020
Case Type: Criminal
Southern District of Illinois. No. 06-CR-40057-JPG-7 — **J. Phil Gilbert**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
After serving 80 months in prison for conspiring to manufacture and distribute methamphetamine, see 21 U.S.C. §§ 841(a), 846, Kevin Pulley began a five-year term of supervised release. Four years in, Pulley's probation officer petitioned to revoke his supervised release for, among other violations, using methamphetamine and marijuana, failing to notify his probation officer that police had questioned him, and failing to submit timely monthly reports. The district court delayed Pulley's revocation hearing so he could complete a residential drug-treatment program. But after Pulley completed the program, his probation officer amended the petition to add additional allegations of methamphetamine use, to which Pulley later admitted. The district court revoked Pulley's supervised release, see 18 U.S.C. § 3583(e),(g), and sentenced him to 24 more months in prison to be followed by 36 months of supervised release. Pulley filed a notice of appeal, but his appointed counsel asserts the appeal is frivolous and moves to withdraw under Anders v. California, 386 U.S. 738 (1967). Pulley did not respond to counsel's motion. See CIR. R. 51(b)… Finally, as counsel rightly points out, any claim of ineffective assistance of counsel would best be raised on collateral review, where a record could be made to support it. Massaro v. United

States, 538 U.S. 500, 504–05 (2003); see United States v. Stokes, 726 F.3d 880, 897–98 (7th Cir. 2013). For these reasons, we GRANT the motion to withdraw and DISMISS the appeal.

A&C Construction & Installation Co. v. Zurich American Insurance Co. No. 19-3325
Argued May 26, 2020 — Decided June 30, 2020
Case Type: Civil
Eastern Division. No. 17-cv-04307 — **Harry D. Leinenweber**, *Judge*.
Before FLAUM, SCUDDER, and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. The Miller Act, 40 U.S.C. § 3131 et seq., seeks to protect subcontractors against nonpayment for work performed on federal government construction projects by requiring the prime contractor to provide a payment bond on which the subcontractor can then make a claim for payment. A&C Construction & Installation, Co. WLL was a subcontractor on an air base project in Qatar and claims that it was not paid approximately $8.5 million for work it performed on the project, so it filed this action against the prime contractor's two sureties, Zurich American Insurance Company and The Insurance Company of the State of Pennsylvania. As strict preconditions to payment, however, the Miller Act requires that subcontractors provide a notice of nonpayment within ninety days after the last day of work performed and then file suit within one year of the last date of work. The district court found that A&C missed both deadlines and granted summary judgment in favor of the sureties. Because A&C did not meet the Miller Act's notice requirement, we affirm the judgment.

Michael Reese, Sr. v. Krones, Inc. No. 19-3195
Submitted June 30, 2020 — Decided June 30, 2020
Case Type: Civil
Eastern District of Wisconsin. No. 18-CV-1041 — **William E. Duffin**, *Magistrate Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
Michael Reese sued his former employer, Krones, Inc., for failing to reasonably accommodate his disability under the Americans with Disabilities Act, 42 U.S.C. § 12112(b)(5)(A). The district court granted Krones's motion for summary judgment after concluding that Reese had not timely raised a reasonable accommodation claim in the administrative proceedings that preceded the litigation. Because we agree with the district court that Reese failed to administratively exhaust his claim, we affirm.

James Gilman v. Corizon Medical Services No. 19-2677
Submitted June 30, 2020 — Decided June 30, 2020
Case Type: Prisoner
Southern District of Indiana, Terre Haute Division. No. 2:16-cv-00194 — **James R. Sweeney II**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
James Gilman, an Indiana inmate, appeals the entry of summary judgment against him on claims that prison health officials violated the Eighth Amendment through their deliberate indifference to his arthritis. We affirm because no reasonable jury could conclude that any defendant recklessly ignored Gilman's need for treatment.

Michael Greenwell, Sr. v. Andrew Saul No. 19-2585
Submitted June 30, 2020 — Decided June 30, 2020
Case Type: Civil
Southern District of Indiana, New Albany Division. No. 4:18-cv-00102-TWP-DML — **Tanya Walton Pratt**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
Michael Greenwell appeals the district court's decision to uphold an administrative law judge's denial of his application for supplemental security income. He asserts that numerous mental and physical impairments render him unable to work and questions why the ALJ denied his application even though his health has not improved since a prior period when he qualified for benefits. But Greenwell fails to engage with the ALJ's reasoning or otherwise establish that the decision is not supported by substantial evidence. We therefore affirm.

USA v. Cordarrell Wilson No. 19-2503
Argued May 21, 2020 — Decided June 30, 2020
Case Type: Criminal
Northern District of Illinois, Eastern Division. No. 18 CR 60 — **Jorge L. Alonso**, *Judge*.
Before MANION, BARRETT, and BRENNAN, *Circuit Judges*.
BARRETT, *Circuit Judge*, concurring.

MANION, *Circuit Judge*. Defendant Cordarrell Wilson was convicted of being a felon in possession of a firearm. Wilson claims the gun found on his person should have been suppressed because the police subjected him to an unlawful Terry stop. We disagree and affirm his conviction.

Aleksandr Selyutin v. Board of Directors of the Skok No. 20-1104
Submitted June 30, 2020 — Decided July 1, 2020
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 18-C-04572 — **John Z. Lee**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
When the management of his condominium building refused to address his safety concerns, Aleksandr Selyutin sued them in federal district court, contending that they violated federal and state law. After allowing Selyutin to amend his complaint four times, the district court dismissed his federal claims with prejudice (for failure to state a claim) and dismissed his state-law claims without prejudice for lack of jurisdiction. Selyutin appeals the district court's refusal to allow him to amend his complaint a fifth time and argues that diversity jurisdiction covers his state-law claims. But because further amendment would have been futile, and because the district court appropriately relinquished supplemental jurisdiction over the state-law claims, we affirm.

Joshua Resendez v. Richard Brown No. 19-3390
Submitted June 30, 2020 — Decided July 1, 2020
Case Type: Prisoner
Southern District of Indiana, Terre Haute Division. No. 2:18-cv-444 — **James Patrick Hanlon**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
Joshua Resendez, an Indiana inmate, petitioned for a writ of habeas corpus under 28 U.S.C. § 2254, challenging a prison policy that renders him ineligible for the restoration of previously lost good-time credits. The district court dismissed the petition without prejudice for failure to exhaust state-court remedies. Because that dismissal allows Resendez to return to federal court after exhausting his state-court remedies, we dismiss the appeal for lack of jurisdiction.

Lewana Howard v. Gabriel DeFrates No. 19-3252
Submitted June 30, 2020 — Decided July 1, 2020
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 18-cv-04430 — **Andrea R. Wood**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
After the Illinois Department of Human Rights dismissed Lewana Howard's complaints of age discrimination and retaliation against her employer for lack of substantial evidence, Howard sued the investigator and his supervisors under 42 U.S.C. § 1983. She claimed that the investigation was biased in favor the employer, CVS Pharmacy. The district court dismissed her second amended complaint, concluding that Howard had not stated a claim under either the Due Process Clause or the Equal Protection Clause. We agree that her allegations do not add up to a federal constitutional claim, and so we affirm the district court's judgment.

Marlon Watford v. Randy Pfister No. 19-3221
Submitted June 30, 2020 — Decided July 1, 2020
Case Type: Prisoner
Northern District of Illinois, Eastern Division. No. 19-C-3868 — **Virginia M. Kendall**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

ORDER
Marlon Watford, an Illinois inmate, believes that the prison where he formerly was housed overcharges inmates for legal photocopying services. He brought this civil rights suit against prison officials, and the district court dismissed the complaint with prejudice for failure to state a claim. We affirm the judgment.

James Sosinski v. Andrew M. Saul No. 19-2931
Argued June 5, 2020 — Decided July 1, 2020
Case Type: Civil
Eastern District of Wisconsin. No. 2:18-cv-1388 — **Lynn Adelman**, *Judge.*
Before FRANK H. EASTERBROOK, *Circuit Judge* DAVID F. HAMILTON, *Circuit Judge* MICHAEL Y. SCUDDER, *Circuit Judge*

ORDER
James Sosinski applied for social security disability benefits, alleging that he could not work because he suffers from severe leg pain, back pain, and headaches. After the Social Security Administration denied his application, Sosinski requested a hearing before an administrative law judge. The ALJ applied the five-step process specified in the Social Security Act's implementing regulations (see 20 C.F.R. § 404.1520) and concluded that Sosinski was not disabled. Sosinski then sought judicial review, and the district court upheld the ALJ's decision… In *Jeske* we agreed and joined those circuits in so holding. See

955 F.3d at 595–96. And here the ALJ adequately considered Sosinski's exertional capacity, including the seven strength functions, in reaching the conclusion that he could perform "light work." See *id.* at 596–97. For these reasons, we AFFIRM.

USA v. Robert Triggs No. 19-1704
Argued January 22, 2020 — Decided July 1, 2020
Case Type: Criminal
Western District of Wisconsin. No. 16-cr-51-jdp-1 — **James D. Peterson**, *Chief Judge*.
Before WOOD, *Chief Judge*, and SYKES and HAMILTON, *Circuit Judges*.

SYKES, *Circuit Judge*. Robert Triggs was indicted for unlawfully possessing a firearm in violation of 18 U.S.C. § 922(g)(9), which prohibits firearm possession by persons convicted of a misdemeanor crime of domestic violence. The predicate conviction was more than ten years old, so Triggs mounted an as-applied Second Amendment challenge to the indictment. When that argument failed, he conditionally pleaded guilty, reserving his right to appeal the Second Amendment ruling. Soon after he filed his notice of appeal, the Supreme Court issued its decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), clarifying the elements of a § 922(g) violation. The Court held that in a § 922(g) prosecution, the government must prove that the defendant "knew he possessed a firearm *and* that he knew he belonged to the relevant category of persons barred from possessing a firearm." *Id.* at 2200 (emphasis added). The second knowledge element is new; no one was aware of it when Triggs pleaded guilty. So in addition to his Second Amendment argument, Triggs raised a *Rehaif* claim and seeks to withdraw his plea… Triggs has carried his burden to establish a reasonable probability that he would not have pleaded guilty had he known of the government's *Rehaif* burden. This is a proper case to exercise our discretionary authority to correct an unpreserved error. A conviction entered on an unknowing guilty plea violates "the first and most universally recognized requirement of due process"—namely, that a defendant receive "real notice of the true nature of the charge against him." *Bousley v. United States*, 523 U.S. 614, 618 (1998) (quotation marks omitted). Accordingly, we VACATE the judgment and REMAND for further proceedings.

Romuald Tyburski v. City of Chicago No. 18-3000
Argued April 20, 2020 — Decided July 1, 2020
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 16-cv-09228 — **John Z. Lee**, *Judge*.
Before WOOD, *Chief Judge*, and SYKES and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. In 2014, Romuald ("Roman") Tyburski, then age seventy-four, applied for a promotion with his employer, the City of Chicago's Department of Water Management, but the City rejected his application. Tyburski sued, claiming that the City denied him the promotion because of his age in violation of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621–634. He also brought a hostile work environment claim under the ADEA regarding harassment he allegedly experienced at two Department of Water Management facilities: Central Park Pumping Station ("Central Park") and Jardine Water Purification Plant ("Jardine"). The district court ultimately granted summary judgment in favor of the City. Tyburski has not supplied evidence showing that his age, rather than his failing score on the requisite verbal exam, was the reason he missed out on the desired promotion. Furthermore, assuming a hostile work environment claim is cognizable under the ADEA, Tyburski failed to present sufficient evidence for a factfinder to conclude that the purported harassment he experienced was severe or pervasive. And Tyburski failed to exhaust this claim regarding conduct that allegedly occurred at Jardine, as he did not file a charge with the Equal Employment Opportunity Commission ("EEOC") reporting that conduct. Summary judgment was therefore appropriate, and we affirm.

Wesley Purkey v. USA No. 19-3318
Argued June 16, 2020 — Decided July 2, 2020
Case Type: Prisoner
Southern District of Indiana, Terre Haute Division. No. 2:19-cv-00414-JPH-DLP — **James P. Hanlon**, *Judge*.
Before WOOD, *Chief Judge*, and BRENNAN and ST. EVE, *Circuit Judges*.

WOOD, *Chief Judge*. Accuracy and finality are both central goals of the judicial system, but there is an inherent conflict between them. Suppose later information comes to light in a criminal case, and that information reveals potential factual or constitutional errors in the original proceeding. Do we privilege accuracy and re-open the case, or do we privilege finality and leave the errors unexamined? And if we do permit a second look, is a third or fourth also proper? The case before us presents just such a question, and the stakes could not be higher. We must decide whether Wesley Purkey, who sits on federal death row at the U.S. Penitentiary in Terre Haute, Indiana, has run out of opportunities to challenge his conviction and death sentence for kidnapping and murder. Purkey urges that his proceedings up to now have been undermined by ineffective assistance of counsel, first at the trial level, and then on collateral review. The United States argues that Purkey already has had an opportunity to challenge the effectiveness of trial counsel and, under the governing statutes, he has come to the end of the line. The district court ruled for the government. We conclude that this is not one of those rare cases in which the defendant is entitled to another
day in court, and so we affirm the district court's judgment.

John Balsewicz v. Jonathan Pawlyk No. 19-3062
Argued May 28, 2020 — Decided June 26, 2020 — Amended July 2, 2020
Case Type: Prisoner
Eastern District of Wisconsin. No. 2:18-cv-97 — **J.P. Stadtmueller**, *Judge*.
Before WOOD, *Chief Judge*, and MANION and KANNE, *Circuit Judges*.

KANNE, *Circuit Judge*. When a prison official knows that an inmate faces a substantial risk of serious harm, the Eighth Amendment requires that official to take reasonable measures to abate the risk. Inmate John "Melissa" Balsewicz reported to a prison guard that while she was in the shower house, another inmate threatened to beat her up. The guard, Sergeant Jonathan Pawlyk, took no action in response to Balsewicz's report; and two days later, the inmate who had threatened Balsewicz punched her in the head repeatedly, causing her to fall unconscious. Balsewicz filed a claim against Sergeant Pawlyk and other prison officials under the Civil Rights Act of 1871, Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983. She alleged that Sergeant Pawlyk failed to take reasonable measures to abate a known, substantial risk of serious harm to her, and thus violated one of her Eighth Amendment rights. Granting summary judgment to Sergeant Pawlyk, the district court reasoned that the threat Balsewicz reported to the guard could only be understood as expiring once the inmates left the shower house, so no factfinder could conclude that Sergeant Pawlyk knew Balsewicz faced an ongoing risk of serious harm. Because a reasonable juror could conclude otherwise based on the submitted evidence, and because Sergeant Pawlyk is not entitled to qualified immunity, we reverse.

Augustyn Kasprzyk v. Gregory Funding LLC No. 19-2402
Submitted June 30, 2020 — Decided July 2, 2020
Case Type: Civil
Northern District of Illinois, Eastern Division. No. 17-cv-8523 **Charles R. Norgle**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge;* MICHAEL S. KANNE, *Circuit Judge;* AMY C. BARRETT, *Circuit Judge.*

ORDER

Augustyn Kasprzyk lost his home in an Illinois foreclosure action. In this federal suit, he asserts that over twenty lending institutions conspired to defraud him by foreclosing on his home, in violation of federal and state laws. The district court dismissed his case for lack of subject-matter jurisdiction, ruling that the *Rooker-Feldman* doctrine barred all of his claims. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). On appeal Kasprzyk insists that the doctrine does not apply to his claims because he is seeking monetary damages for out-of-court actions by the defendants. But he alleges no injury distinct from the foreclosure judgment, so we affirm.

Keith McCoy v. Michael Atherton No. 18-1086
Argued December 6, 2019 — Decided July 2, 2020
Case Type: Civil
Northern District of Indiana, Hammond Division. No. 2:14-cv-00355-PPS **— Philip P. Simon**, *Judge*.
Before ILANA DIAMOND ROVNER, *Circuit Judge;* MICHAEL B. BRENNAN, *Circuit Judge;* AMY J. ST. EVE, *Circuit Judge.*

ORDER
Keith McCoy, a pretrial detainee who is gay, was assigned to administrative segregation by officials at the Lake County Jail, purportedly out of concern for his safety and that of the other inmates. McCoy brought this suit, alleging that his placement in administrative segregation on the jail's medical floor violated due process. McCoy also sued a guard for deliberate indifference based on the guard's slow response to McCoy's need for medical treatment after he was injured in a fight with another inmate. The district court entered summary judgment for the defendants. We affirm.
