

Opinions for the week of March 23 – March 27, 2020

Milton Leblanc v. Mr. Bults, Inc. No. 19-2751

Submitted March 19, 2020 — Decided March 23, 2020

Case Type: Civil

Before DANIEL A. MANION, *Circuit Judge* DIANE S. SYKES, *Circuit Judge* AMY J. ST. EVE, *Circuit Judge*

Northern District of Illinois, Eastern Division. No. 15 C 6019 — **Ronald A. Guzmán**, *Judge*.

ORDER

After a semitruck rear-ended the car in which Milton LeBlanc was riding, he sued Mr. Bult's, Inc. (the owner of the truck) and Antonio Wright (the driver) in state court. The defendants removed the case to federal district court, and after protracted litigation the court entered summary judgment against LeBlanc. Because LeBlanc's argument that the district court should have entered a default judgment in his favor is baseless, we affirm.

National Immigrant Justice Center v. DOJ No. 19-2088

Argued February 14, 2020 — Decided March 23, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:12-cv-4691 — **Andrea R. Wood**, *Judge*.

Before RIPPLE, SYKES, and SCUDDER, *Circuit Judges*.

SCUDDER, *Circuit Judge*. Receiving confidential advice is essential to sound decision-making. The law of privilege owes its existence to that reality and finds application in many settings, including decision-making within the executive branch of our national government. Consider the setting front and center in this appeal—immigration. Congress has empowered the Attorney General with enforcement, rulemaking, and adjudicatory authority. The exercise of that power is of great consequence on many fronts, including in the direction of the nation's immigration policy and the lives of many noncitizen immigrants. Those very same reasons explain why the Attorney General, as part of exercising the responsibility conferred by Congress, will seek and receive confidential input from a range of advisors within the Department of Justice. Unsettled by decisions made by Attorneys General across three presidential administrations, the National Immigrant Justice Center invoked the Freedom of Information Act and sought access to all records of communications to and from the Attorney General in certain immigration appeals certified for executive decision. The Department of Justice honored aspects of the requests but withheld many responsive documents on the basis of FOIA's exemption for communications protected by the deliberative process privilege. The district court found the withholding proper, and so do we. To conclude otherwise would chill the deliberations that department and agency heads like the Attorney General undertake in confidence to execute the weighty responsibilities of their offices... For these reasons, we AFFIRM.

Jeffrey Orr v. Wexford Health Sources, Inc. Nos. 19-1380, 19-1387 & 19-1732

Argued November 4, 2019 — Decided March 23, 2020

Case Type: Prisoner

Central District of Illinois. No. 08-cv-2232 — **Harold A. Baker**, *Judge*.

Before WOOD, *Chief Judge*, and BAUER and BRENNAN, *Circuit Judges*.

WOOD, *Chief Judge*. Plaintiffs are current and former inmates of the Illinois Department of Corrections (IDOC) who have been diagnosed with hepatitis C. They filed this lawsuit over ten years ago after fruitless efforts to receive treatment for their disease while incarcerated. Invoking 42 U.S.C. § 1983, their complaint alleges that the diagnostic and treatment protocols for IDOC inmates with hepatitis C violate the Eighth and Fourteenth Amendments. After many years, many motions, and the consolidation of many cases, the district court granted class certification and preliminary injunctive relief. The defendants—IDOC, Wexford Health Sources, Inc., and several doctors—asked us to accept an appeal from that decision under Federal Rule of Civil Procedure 23(f). We agreed to do so and now reverse the grant of class certification and vacate the injunction.

Orlando Brown v. City of Chicago No. 19-1525

Submitted March 19, 2020 — Decided March 23, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 12 CV 2921 — **Sharon Johnson Coleman**, *Judge*.
Before DANIEL A. MANION, *Circuit Judge*; DIANE S. SYKES, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

This is the second appeal we have seen in former police officer Orlando Brown's lawsuit against the City of Chicago and other defendants involved in his firing. See *Brown v. City of Chicago*, 771 F.3d 413 (7th Cir. 2014). Our first decision remanded the case for the district court to consider Brown's due-process claim against Captain Patrick Gunnell, his former supervisor. At the same time, we invited the district court to explore whether the claim was precluded by one of Brown's prior state-court lawsuits, and we told the court it was "free" to relinquish supplemental jurisdiction over Brown's state-law claims. *Id.* at 416. Now that the district court has ruled that the due-process claim is indeed precluded and has relinquished supplemental jurisdiction, Brown appeals once more. We affirm.

John Hall v. City of Chicago No. 19-1347

Argued December 12, 2019 — Decided March 23, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 12 CV 6834 — **Harry D. Leinenweber**, *Judge*.
Before BAUER, EASTERBROOK, and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. Plaintiffs in this case ask us to address the proper scope of a *Terry* stop. Police officers stopped Plaintiffs numerous times for violating a City ordinance while they were panhandling on the streets of Chicago. During the course of these street stops, the officers typically asked Plaintiffs to produce identification ("ID"). The officers then proceeded to use the provided ID cards to search for any outstanding warrants for their arrest or investigative alerts—a process we will call a "warrant check" or a "name check." Plaintiffs contend the officers would not return their IDs to them until after completing the name checks. Plaintiffs brought an action under 42 U.S.C. § 1983 against the City of Chicago, claiming that name checks unnecessarily prolong street stops and that the delays constitute unreasonable detentions in violation of the Fourth Amendment. They also assert that the City maintained an unconstitutional policy or practice of performing these name checks pursuant to *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978). Plaintiffs' *Monell* claim arises under several possible theories: that the Chicago Police Department ("CPD") Special Order regulating name checks omitted essential constitutional limits, that CPD failed to train on these same constitutional limits, and that former Superintendent Garry McCarthy promulgated an unconstitutional policy by promoting name checks in conjunction with every street stop. We conclude that officers may execute a name check on an individual incidental to a proper stop under *Terry v. Ohio*, 392 U.S. 1, 16 (1968), as long as the resulting delay is reasonable. Plaintiffs have failed to establish that they suffered an underlying constitutional violation such that the City can be held liable under *Monell*. We therefore affirm.

U.S. Futures Exchange, L.L.C. v. Board of Trade of the City of Chicago No. 18-3558

Argued December 13, 2019 — Decided March 23, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:04-cv-06756 — **Thomas M. Durkin**, *Judge*.
Before MANION, KANNE, and BRENNAN, *Circuit Judges*.

MANION, *Circuit Judge*. This antitrust case comes to us from the commodities and futures marketplace. As USFE tells it, Defendants torpedoed its new futures exchange by delay- ing the regulatory approval process and enacting an internal rule that deprived the new exchange of liquidity. The real question is whether Defendants violated the antitrust laws in doing so. We hold they did not... AFFIRMED.

USA v. Edmundo Manriquez-Alvarado No. 19-2521

Argued March 3, 2020 — Decided March 24, 2020

Case Type: Criminal

Central District of Illinois. No. 18-20045-001 — **James E. Shadid**, *Judge*.

Before EASTERBROOK, KANNE, and ST. EVE, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. Edmundo Manriquez-Alvarado, a citizen of Mexico, has entered the United States repeatedly by stealth. How often we do not know, but the record shows that he was ordered removed in 2008, 2010, 2012, 2014, and 2017, each time following a criminal conviction. (His record includes convictions for burglary, domestic violence, trafficking illegal drugs, and unauthorized reentry.) The gaps between the removal orders stem from the time it takes to catch him, plus time he spends in prison following his convictions. Manriquez-Alvarado was found in the United States yet again in 2018 and indicted for illegal reentry. 8 U.S.C. §1326(a), (b)(2). His drug crime is defined by 8 U.S.C. §1101(a)(43)(B) as an “aggravated felony”. This increases the maximum punishment for unauthorized reentry. After the district court denied his motion to dismiss the indictment, Manriquez-Alvarado pleaded guilty and was sentenced to 39 months’ imprisonment. The plea reserved the right to contest on appeal the denial of the motion to dismiss. All of the convictions for reentry rest on the 2008 removal order. Manriquez-Alvarado contends that this order is invalid because immigration officials never had “jurisdiction” to remove him. That’s because a document captioned “Notice to Appear” that was served on him in February 2008 did not include a date for a hearing. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), holds that a document missing this information does not satisfy the statutory requirements, 8 U.S.C. §1229(a)(1), for a Notice to Appear. We held in *Ortiz-Santiago v. Barr*, 924 F.3d 956 (7th Cir. 2019), that *Pereira* identifies a claims-processing doctrine rather than a rule limiting the jurisdiction of immigration officials. Manriquez-Alvarado wants us to overrule *Ortiz-Santiago*, but that’s not in the cards. No other circuit has disagreed with its holding, and its reasoning is powerful... AFFIRMED

Leyla Hernandez-Diaz v. William Barr No. 19-1996

Argued March 3, 2020 Decided March 24, 2020

Case Type: Agency

Petition for Review of an Order of the Board of Immigration Appeals. Nos. A208-989-725 and A208-989-726

Before FRANK H. EASTERBROOK, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

Leyla Hernandez-Diaz, a citizen of El Salvador, petitions, along with her minor daughter, for review of the denial of her applications for asylum and withholding of removal under the Immigration and Nationality Act. She sought relief based on threats she received from gang members because she was a police officer. Because substantial evidence supports the immigration judge’s decision that the threats were too vague and speculative to establish persecution and were insufficiently connected to her occupation, we deny the petition for review.

Jennifer Beardsall v. CVS Pharmacy, Incorporated No. 19-1850

Argued January 15, 2020 — Decided March 24, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:16-cv-06103 — **Joan H. Lefkow**, *Judge*.
Before BAUER, EASTERBROOK, and HAMILTON, *Circuit Judges*.

HAMILTON, *Circuit Judge*. Plaintiffs brought state consumer deception claims against defendant Fruit of the Earth and its retailer clients. They alleged that defendants' aloe vera products did not contain *any* aloe vera and lacked acemannan, a compound that plaintiffs say is responsible for the plant's therapeutic qualities. But uncontested facts drawn from discovery showed these allegations to be false: the products were made from aloe vera and contained at least some acemannan. To stave off summary judgment, plaintiffs changed their theory, claiming that the products were degraded and did not contain *enough* acemannan. Plaintiffs said that it was therefore misleading to call the products aloe vera gel, to represent them as "100% Pure Aloe Vera Gel," and to market them as providing the therapeutic effects associated with aloe vera. Plaintiffs have not, however, presented evidence that some concentration of acemannan is necessary to call a product aloe or to produce a therapeutic effect. Nor have they offered evidence that consumers care at all about acemannan concentration. Whatever theoretical merit these claims might have had on a different record, this record simply does not contain evidence that would allow a reasonable jury to find in favor of plaintiffs. With this dearth of evidence, the district court granted summary judgment in favor of defendants. We affirm.

Carl Castetter v. Dolgencorp, LLC No. 19-2026

Argued December 12, 2019 — Decided March 25, 2020

Case Type: Civil

Northern District of Indiana, Fort Wayne Division. No. 1:17-cv-00227-TLS — **Theresa L. Springmann**,
Chief Judge.

Before BAUER, EASTERBROOK, and ST. EVE, *Circuit Judges*.

BAUER, *Circuit Judge*. Carl Castetter brings this appeal against his former employer, Dolgencorp, LLC, d/b/a Dollar General ("Dollar General"), for disability discrimination in violation of the Americans with Disabilities Act of 1990 ("ADA"). Dollar General contends Castetter was terminated for policy violations. The district court granted summary judgment in favor of Dollar General and for the following reasons, we affirm.

Nichole L. Richards v. Par, Inc. No. 19-1184

Argued September 19, 2019 — Decided March 25, 2020

Case Type: Civil

Southern District of Indiana, Indianapolis Division. No. 1:17-cv-00409-TWP-MPB — **Tanya Walton Pratt**,
Judge.

Before SYKES, HAMILTON, and BRENNAN, *Circuit Judges*.

SYKES, *Circuit Judge*. When Nichole Richards defaulted on her car loan, her lender hired PAR, Inc., to repossess the vehicle. PAR subcontracted with Lawrence Towing to carry out the repossession. Richards protested when employees of the towing company arrived at her Indianapolis home and tried to take the car. She ordered them off her property. They summoned the police, and a responding officer handcuffed Richards and threatened her with arrest. The officer removed the handcuffs after the car was towed away. Richards sued PAR and Lawrence Towing for violating the Fair Debt Collection Practices Act ("FDCPA" or "the Act"). As relevant here, the Act makes it unlawful for a debt collector to take "nonjudicial action" to repossess property if "there is no present right to possession of the property claimed as collateral through an enforceable security interest." 15 U.S.C. § 1692f(6)(A). Richards concedes the validity of the security interest and admits that she defaulted on her loan. Her argument is that the defendants lacked a present right to possess the vehicle because Indiana law authorizes nonjudicial repossession only if the repossession "proceeds without breach of the peace." IND. CODE § 26-1-9.1-609. If a breach of the peace occurs, the reposessor must immediately stop and seek judicial remedies.

The district judge viewed the claim as an improper attempt to repackage a state-law violation as a violation of the FDCPA and entered summary judgment for the defendants. We reverse.

Laura Divane v. Northwestern University No. 18-2569

Argued May 23, 2019 — Decided March 25, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:16-cv-08157 — **Jorge L. Alonso**, *Judge*.
Before BAUER, MANION, and BRENNAN, *Circuit Judges*.

BRENNAN, *Circuit Judge*. Laura Divane and other plaintiffs, beneficiaries of employee investment plans, sued Northwestern University for allegedly breaching its fiduciary duties under the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* The district court found no breach. Neither do we, so we affirm.

USA v. Ronald Wiggins No.19-2529

Submitted March 26, 2020 — Decided March 26, 2020

Case Type: Criminal

Central District of Illinois. No. 2:03-cr-20032-JES — **James E. Shadid**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Ronald Wiggins, a federal prisoner, appeals the denial of his motion to vacate an order of restitution that was imposed as part of a criminal judgment in 2004. Because the district court lacked jurisdiction to entertain Wiggins's motion, we modify the judgment and affirm as modified.

Lisa Williams v. RRRB No. 19-2515

Submitted March 26, 2020 — Decided March 26, 2020

Case Type: Agency

Petition for Review of an Order of the Railroad Retirement Board. No. 18-AP-0004.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Lisa Williams, the daughter of a deceased railroad employee, petitions this court to review the Railroad Retirement Board's denial of her application for a survivor annuity. Because the Board's decision is supported by substantial evidence, we affirm. In July 2016, more than 30 years after her mother's death, Williams applied for a child's survivor annuity under the Railroad Retirement Act of 1974. See 45 U.S.C. § 231a(d)(1)(iii). Under the Act, a child of a deceased railroad employee is entitled to a survivor annuity if the employee, at the time of his or her death, had completed 120 months of railroad service and had a current connection with the railroad industry. *Id.* § 231a(d)(1); 20 C.F.R. § 216.71(a). Williams's mother was credited, however, with only 107 months' service. A hearing officer denied Williams's application for a survivor annuity because her mother did not have the required 120 months of railroad service, as reflected by compensation records from her mother's railroad employer... On appeal, Williams concedes that her mother did not complete 120 months of qualifying railroad service, but she maintains that the railroad employer prevented her mother from meeting that threshold when it wrongfully terminated and otherwise discriminated against her based on her race and illness. We have jurisdiction over this appeal under 45 U.S.C. § 231g and § 355(f) and will overturn the Board's decision only if it is unsupported by substantial evidence or has no reasonable basis in the law... AFFIRMED

Darryl Turner v. Reena Paul No. 19-2225

Argued February 19, 2020 — Decided March 26, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 17 C 2434 — **Matthew F. Kennelly**, *Judge*.
Before WOOD, *Chief Judge*, and FLAUM and RIPPLE, *Circuit Judges*.

WOOD, *Chief Judge*. Darryl Turner suffered a broken nose during an altercation with another inmate while in pre-trial detention at the Cook County Jail. The injury left him with pain and shortness of breath. A doctor determined that he needed surgery to treat his problems, but to Turner's great frustration, the surgery was repeatedly rescheduled and postponed. Over a year after the initial injury, he finally received the surgery following his release from custody. Claiming that his treatment was unconstitutionally deficient under the Eighth and Fourteenth Amendments to the U.S. Constitution, Turner sued a number of administrators and medical professionals at the Cook County Health and Hospitals System and at Cermak Health Services, a county-operated clinic located in the jail. He also sued Cook County itself. The district court granted summary judgment with respect to all defendants, and Turner appealed. We affirm the district court's grant of summary judgment.

Rexing Quality Eggs v. Rembrandt Enterprises, Inc. No. 19-2146

Argued December 3, 2019 — Decided March 26, 2020

Case Type: Civil

Southern District of Indiana, Evansville Division. No. 3:19-cv-00031 — **Jane Magnus-Stinson**, *Chief Judge*.

Before WOOD, *Chief Judge*, and HAMILTON and SCUDDER, *Circuit Judges*.

WOOD, *Chief Judge*. This case is the second to arise out of an ill-fated relationship between Rexing Quality Eggs and Rembrandt Enterprises, Inc. The first case addressed various claims arising under a contract that the two parties formed at the outset of their business dealings. Although this case arises out of the same transaction, this time Rexing, the plaintiff, has raised tort claims. The question on appeal is whether its effort to bring a new action is consistent with Indiana's prohibition on claim splitting, under which a plaintiff is forbidden to bring a case presenting claims that arise out of the same transaction or events that underlie claims brought in another lawsuit. We hold that the claim-splitting ban applies here, and so we affirm the district court's judgment.

John Worman v. Frederick Entzel No. 19-2048

Argued February 27, 2020 — Decided March 26, 2020

Case Type: Prisoner

Central District of Illinois. No. 1:18-cv-1144 — **James E. Shadid**, *Judge*.

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

SCUDDER, *Circuit Judge*. John Worman reacted to losing his job and a business opportunity by mailing a pipe bomb to his former supervisor. Federal charges ensued, and a jury convicted Worman on all counts, leading to a sentence of 44 years' imprisonment. Worman was unsuccessful in challenging his sentence on direct appeal and in a motion to vacate his sentence. The Supreme Court then decided *Dean v. United States*, 137 S. Ct. 1170 (2017), which Worman was right to recognize as calling into question the length of his sentence. But Congress has limited prisoners to one pursuit of habeas corpus relief, subject to very narrow exceptions. So Worman's challenge became finding a viable path to file a second request for habeas relief, and he ultimately invoked 28 U.S.C. § 2241. The district court concluded that, even though *Dean* provided Worman a surefire basis for a meaningful sentencing reduction (from 44 to 30 years), he did not meet the exacting and narrow requirements for being able to use § 2241 to pursue a new sentence. We agree and affirm, with today's decision exemplifying the stark reality that the limitations on

habeas corpus relief can have very real and lasting consequences for prisoners laboring to navigate its complexities.

USA v. Othieno Lucas No. 19-1941

Submitted March 26, 2020 — Decided March 26, 2020

Case Type: Criminal

Central District of Illinois. No. 2:06-cr-20028 — **James E. Shadid**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Othieno Lucas pleaded guilty to distributing crack cocaine, 21 U.S.C. § 841(a)(1), and was sentenced to 220 months in prison (later reduced to 158 months) and five years' supervised release. Lucas served his prison term, but less than a year into his term of supervision, he violated his conditions of release. He admitted to two violations (possessing methamphetamine and marijuana) and stipulated that the government could establish by a preponderance of the evidence the other two (operating a vehicle while intoxicated and distributing less than a gram of heroin and fentanyl). The district court revoked his supervised release and sentenced him to 43 months in prison followed by an additional four years of supervised release. Lucas filed a notice of appeal, but his attorneys assert that the appeal is frivolous and seek to withdraw under *Anders v. California*, 386 U.S. 738 (1967). At the outset, we note that Lucas does not have an unqualified constitutional right to counsel when appealing a revocation order, *see Gagnon v. Scarpelli*, 411 U.S. 778, 789–91 (1978), so the safeguards in *Anders* need not govern our review. Even so, our practice is to follow them. *See United States v. Brown*, 823 F.3d 392, 394 (7th Cir. 2016). Because the attorneys' analysis appears thorough, we limit our review to the subjects they discuss, along with those that Lucas has identified in response... We GRANT the motion to withdraw and DISMISS the appeal.

Lawrence Larsen v. Carroll County, Illinois No. 18-1879

Submitted March 26, 2020 — Decided March 26, 2020

Case Type: Prisoner

Northern District of Illinois, Western Division. No. 15 C 50309 — **Frederick J. Kapala**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Lawrence Larsen called law enforcement to investigate a potential intruder in his home and wound up getting arrested for drug possession. He then filed this suit against the responding officers and their employers, alleging violations of the United States Constitution and Illinois law. The district court entered summary judgment in the defendants' favor, and we affirm.

USA v. DISH Network L.L.C. No. 17-3111

Argued September 17, 2018 — Decided March 26, 2020

Case Type: Civil

Central District of Illinois. No. 09-3073 — **Sue E. Myerscough**, *Judge*.

Before EASTERBROOK, KANNE, and BRENNAN, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. After a bench trial that lasted five weeks and produced 475 typed pages of findings, a district judge concluded that DISH Network and its agents committed more than 65 million violations of telemarketing statutes and regulations. 256 F. Supp. 3d 810 (C.D. Ill. 2017) (183 printed

pages). The penalty: \$280 million. DISH does not challenge any finding of fact. This simplifies the appellate task, but legal issues remain... The district court found that DISH and its agents violated the Telemarketing Sales Rule, 16 C.F.R. §310 (propagated under 15 U.S.C. §45, part of the Federal Trade Commission Act), the Telephone Consumer Protection Act, 47 U.S.C. §227, and related state laws. The appeal concerns the extent to which DISH had to coordinate do-not-call lists with and among these retailers or was otherwise responsible for their acts. The Telemarketing Sales Rule prohibits (i) calls to people who placed their names on the National Do Not Call Registry, (ii) calls to people who placed their names on a vendor's internal do-not-call list, and (iii) "abandoned" calls (so named because a system that fails to put the consumer in contact with a live person within two seconds of the call connecting is deemed "abandoned"). See 16 C.F.R. §310.4(b)(1)(iii)(B), (A), and (b)(1)(iv). Those prohibitions give rise to most of the issues. The district judge found that DISH caused violations of the Rule by engaging other entities to sell its service. As a fallback, the judge concluded that the order-entry retailers were DISH's agents, which made DISH responsible whenever any of these retailers called a person on any other retailer's do-not-call list (or on DISH's own). The district judge added that DISH was liable for having provided substantial assistance to one order-entry retailer, Star Satellite, in making abandoned calls. The judge found that DISH itself placed calls that violated the Rule... The judgment of the district court is affirmed, except for its holding that DISH is liable for "substantially assisting" Star Satellite and its measure of damages. With respect to those matters, the judgment is vacated, and the case is remanded for further proceedings consistent with this opinion.

Terry Young v. USA No. 19-296

Submitted March 26, 2020 — Decided March 27, 2020

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No. 1:02-cv-00390 — **Sarah L. Ellis**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y.

SCUDDER, *Circuit Judge*.

ORDER

In this appeal, Terry Young continues his quest to recover about \$133,000 in assets that the government seized to partially satisfy a \$6 million criminal forfeiture order issued in 1999. Young never appealed the forfeiture judgment, but he contends that it is "void" and unenforceable, so he has bombarded the district court with various motions seeking the return of his property. After striking out on a fourth motion purportedly under Federal Rule of Civil Procedure 60(b), Young appeals. We affirm the district court's decision denying the motion for lack of subject matter jurisdiction.

USA v. Alvernest Kennedy No. 19-2593

Submitted March 26, 2020 — Decided March 27, 2020

Case Type: Criminal

Eastern District of Wisconsin. No. 15-CR-88-JPS — **J.P. Stadtmueller**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y.

SCUDDER, *Circuit Judge*.

ORDER

Alvernest Kennedy, Jr. pleaded guilty to possessing a firearm as a felon, see 18 U.S.C. § 922(g)(1), and served a 30-month prison sentence. Just one month into his term of supervised release, he violated his conditions of supervision by fleeing officers attempting to make a traffic stop (leading the officers on a high-speed chase that covered nearly 80 miles and lasted an hour and a half, after which he unsuccessfully attempted to flee on foot). Kennedy pleaded guilty in state court to attempting to flee or elude an officer and to second-degree reckless endangerment; he was sentenced to four and a half years' imprisonment and four years of supervised release. The government then sought to revoke Kennedy's federal supervised release based on his state court convictions (as well as for failing to notify his probation officer that the day after his release he had received several traffic citations). The district

court revoked Kennedy's supervised release and sentenced him to 12 months in prison—6 months to run concurrently to his state prison term, and 6 months to run consecutively. Kennedy appeals, but his appointed counsel concludes that the appeal is frivolous and moves to withdraw under *Anders v. California*, 386 U.S. 738 (1967). At the outset we note that the Constitution does not provide a right to counsel in a revocation proceeding when, as here, the defendant does not contest the grounds for revocation or assert substantial and complex arguments in mitigation of the sentence. See *Gagnon v. Scarpelli*, 411 U.S. 778, 787 (1973); *United States v. Eskridge*, 445 F.3d 930, 932–33 (7th Cir. 2006). Therefore, the *Anders* safeguards need not govern our review, but it is our practice to apply them nonetheless. *United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016). Counsel's brief explains the nature of the case and addresses the issues that an appeal of this kind might involve, and Kennedy has not responded to counsel's motion. See CIR. R. 51(b). Because the analysis appears thorough, we limit our review to the subjects that counsel discusses... Accordingly, we GRANT counsel's motion to withdraw and DISMISS the appeal.

Jared Stubblefield v. Clerk of the Circuit Court of Cook County No. 19-2567

Submitted March 26, 2020 — Decided March 27, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 19 C 2715 — **Matthew F. Kennelly**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Jared Stubblefield sued the Clerk of the Circuit Court of Cook County, the City of Chicago, and the State of Illinois for preventing him from obtaining “attorney’s fees” for successfully defending himself against traffic citations in state court. (He later named the police officer who issued the traffic citations as a defendant.) He alleged that the state traffic court violated his right of equal protection by not allowing him to seek \$12 million in compensation for his self-representation. After twice dismissing Stubblefield’s complaints with leave to amend, the district court dismissed his second amended complaint with prejudice as legally frivolous. We affirm the judgment.

Bassam Annous v. Hans-Peter Blaschek No. 19-1852

Submitted March 26, 2020 — Decided March 27, 2020

Case Type: Civil

Central District of Illinois. No. 18-cv-2094 — **Colin S. Bruce**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

While he was a graduate student at the University of Illinois at Urbana-Champaign, Bassam Annous discovered a process, later patented by the University, that isolates a strain of bacteria. When Hans Blaschek later received \$5 million for selling a business that relied on a license from the University for this patent, Annous sued Blaschek for some of that money. But the district court correctly ruled that no contract entitled Annous to these proceeds, and any other legal theory was untimely, so we affirm.

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](#).