

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

USA v. Kevin Clinton No. 20-2484

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Criminal

Northern District of Indiana, South Bend Division. No. 3:18cr136 RLM — **Robert L. Miller, Jr.**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Kevin Clinton, a federal inmate in his 60s, moved for compassionate release based on his susceptibility to complications if he contracted COVID-19. The district court denied the motion. Because the court reasonably concluded that Clinton had not demonstrated extraordinary and compelling reasons to justify early release, we affirm.

Winnielee Fanta v. Andrew Saul No. 20-2325

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Civil

Central District of Illinois. No. 19-2061 — **Eric I. Long**, *Magistrate Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Winnielee Fanta challenges the denial of her application for supplemental security income and disability insurance benefits based on her anxiety, depression, severe hearing loss, and other impairments. An administrative law judge found Fanta not disabled based on her ability to perform work with certain non-exertional limitations. The district court upheld the decision. Because substantial evidence supports the ALJ's decision, we affirm.

USA v. Kim Millbrook No. 20-2147

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Criminal

Central District of Illinois. No. 06-CR-40033 — **Michael M. Mihm**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Kim Millbrook, a federal inmate, moved for compassionate release under 18 U.S.C. §3582(c)(1)(A), citing the COVID-19 pandemic and his high blood pressure. The district court denied the motion, finding that Millbrook had not exhausted his administrative remedies and that the sentencing factors in 18 U.S.C. §3553(a) weighed against early release. Because we have since clarified that the exhaustion requirement is a mandatory claim-processing rule, we affirm on the ground that Millbrook did not exhaust his remedies in the Bureau of Prisons.

USA v. Pao Xiong No. 20-2020

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Criminal

Eastern District of Wisconsin. No. 07-CR-112 — **William C. Griesbach**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Pao Xiong, while still a federal inmate, asked his sentencing judge in the Eastern District of Wisconsin to “modify” his supervised release by allowing him to serve it in the Northern District of Texas so that he could live with his fiancée and her children. The court denied the request and then denied Xiong’s motion to reconsider. Xiong timely appealed only the second ruling. Because the court did not abuse its discretion by adhering to its original decision, we affirm.

Johnathan Franklin v. Joan Hannula No. 20-1713

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Prisoner

Western District of Wisconsin. No. 17-cv-562-wmc — **William M. Conley**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Johnathan Franklin, a state inmate, appeals summary judgment on his claim that the health workers who cared for his flat feet and skin treated those conditions with deliberate indifference and negligence by, among other things, not giving him Nike-brand boots. Because no reasonable jury could find that the defendants were deliberately indifferent or negligent to Franklin’s medical needs, we affirm.

USA v. Justin Ramsey No. 20-1399

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Criminal

Southern District of Indiana, Indianapolis Division. No. 1:19CR00195-001 — **Tanya Walton Pratt**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Justin Ramsey entered an open plea of guilty to possessing a firearm as a convicted felon, see 18 U.S.C. § 922(g)(1). Based on his three prior Indiana convictions for robbery, the district court found Ramsey subject to the enhanced penalties of the Armed Career Criminal Act, 18 U.S.C. § 924(e), and sentenced him to the statutory minimum of 15 years’ imprisonment. Ramsey filed a notice of appeal, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw. See *Anders v. California*, 386 U.S. 738, 744 (1967). Ramsey did not respond to counsel’s motion. See CIR.R. 51(b). Because counsel’s brief appears thorough and addresses the issues that we expect an appeal of this kind to present, we limit our review to the points counsel raises. See *United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014)... We GRANT counsel’s motion to withdraw and DISMISS the appeal.

Shawn Patterson v. Matt Baker No. 19-2917

Argued November 3, 2020 — Decided March 15, 2021

Case Type: Prisoner

Central District of Illinois. No. 1:13-cv-1121 — **Michael M. Mihm**, *Judge*.

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

SCUDDER, *Circuit Judge*. Shawn Patterson, an inmate in the custody of the Illinois Department of Corrections, invoked 42 U.S.C. § 1983 and brought suit, alleging that a group of correctional officers

violated the Eighth Amendment's prohibition on cruel and unusual punishment by beating him and then parading him naked in front of his fellow prisoners. At trial the nurse who treated Patterson after the alleged incident testified that there could possibly be bruising if such a beating had occurred—though she saw no signs of bruising on Patterson. A jury found in favor of the officers. Patterson argues that the nurse's testimony constituted impermissible expert testimony by a lay witness that swayed the jury's verdict against him. The district court rejected the contention as part of denying Patterson's challenge to the jury's verdict and request for a new trial. We affirm.

DeJuan Thornton-Bey v. USA No. 19-1404

Submitted March 12, 2021 — Decided March 15, 2021

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No. 16 C 05532 — **Joan H. Lefkow**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

A jury found DeJuan Thornton-Bey guilty of federal drug and gun offenses in 2002, and the district court sentenced him to 387 months in prison. After the Supreme Court's decision in *Johnson v. United States*, 576 U.S. 591 (2015), we authorized Thornton-Bey to file a second motion under 28 U.S.C. § 2255 to challenge whether his criminal history qualified him as a career offender. The district court determined that Thornton-Bey's Illinois conviction for aggravated battery was still properly characterized as a crime of violence under the elements clause of the career-offender guideline and denied the motion. But the court granted a certificate of appealability on the question of what documents could be considered when ascertaining the nature of a prior conviction. On appeal, Thornton-Bey presents no argument on that question; rather, he challenges only the court's jurisdiction over his original criminal prosecution. Because Thornton-Bey has waived any argument about the issue that the district court certified, and his other challenge falls outside the scope of both the certificate of appealability and his authorized successive § 2255 motion, we dismiss the appeal.

Barry Smith, Sr. v. United States Congress Nos. 20-2987 & 20-2988

Submitted March 12, 2021 — Decided March 16, 2021

Case Type: Civil

Eastern District of Wisconsin. No. 19-cv-671-pp & 19-cv-1001-pp — **Pamela Pepper**, *Chief Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Barry Smith, a convicted felon who has completed his sentence, has sued the United States Congress and Wisconsin's legislature in an effort to overturn federal and state laws that restrict him from possessing firearms and holding elected office. The district court dismissed the suit. We affirm because Congress and the Wisconsin Legislature are not proper defendants, and, in any case, Smith's claims are meritless.

Ralph Holmes v. Salvador Godinez Nos. 20-2236 & 20-2709

Argued January 22, 2021 — Decided March 16, 2021

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No. 11-cv-2961 — **Young B. Kim**, *Magistrate Judge*.

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

KANNE, *Circuit Judge*. This is a straightforward contract interpretation case. Plaintiffs are Illinois prison inmates with hearing problems. They executed a judicially enforceable Settlement with the Illinois Department of Corrections (“IDOC”) that requires IDOC to provide them with certain audiological care. Two provisions of the Settlement are at issue: one grants the court power to award attorney fees to Plaintiffs if IDOC “has been in substantial non-compliance” with the Settlement, and the other requires IDOC to refer inmates in need for an audiological evaluation by a licensed audiologist. Plaintiffs sued to enforce the Settlement and for attorney fees based on past violations of it. The district court obliged. The district court correctly awarded attorney fees to Plaintiffs based on IDOC’s “substantial non-compliance” with the Settlement of referring about 700 inmates for inadequate evaluations. But the court incorrectly determined that IDOC was obligated to ensure that its prison inmates receive audiological evaluations (or re-evaluations) within a set timeframe—the Settlement contains no such requirement. We therefore affirm in part and reverse in part the decision of the district court, and we terminate our stay of the district court’s order.

USA v. Terrence Dilworth No. 20-2389

Submitted March 12, 2021 — Decided March 16, 2021

Case Type: Criminal

Northern District of Indiana, Hammond Division. No. 2:02 CR 44 — **James T. Moody**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Nearly a decade after he was convicted of cocaine-base (“crack”) offenses, Terrance Dilworth moved to reduce his sentence under the First Step Act of 2018. Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222 (2018). The district court reduced Dilworth’s term of supervised release but declined to change his prison-release date. Because the district court did not abuse its broad discretion in doing so, we affirm.

Ademus Saechao v. Cheryl Eplett No. 20-1356

Argued November 4, 2020 — Decided March 16, 2021

Case Type: Prisoner

Western District of Wisconsin. No. 17-cv-370-slc — **Stephen L. Crocker**, *Magistrate Judge*.

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

EASTERBROOK, *Circuit Judge*. Charged in Wisconsin state court with armed robbery, false imprisonment, and related offenses, Ademus Saechao retained attorney Jay Kronenwetter to represent him. The state charged Manuel Alonso-Bermudez, Joseph Rohmeyer, and Harley Schultz with participating in the same crimes, though their cases proceeded separately from Saechao’s. Because the dockets were separate, the state’s public defender organization did not know that Kronenwetter was representing Saechao when it appointed him to represent Alonso-Bermudez too. This created problems that have led to this petition for collateral relief under 28 U.S.C. §2254... Kronenwetter...did so for some six weeks, until he withdrew as Alonso-Bermudez’s lawyer and the public defender organization named John Bachman to take his place. This did not satisfy the judge in Saechao’s prosecution; he wanted an unconditional waiver of any conflict from both Saechao and Alonso-Bermudez. Saechao provided one; Alonso-Bermudez declined...As the trial date approached, and the prosecutor listed Alonso-Bermudez as a potential witness in Saechao’s case, the trial judge reached that conclusion and disqualified Kronenwetter. By then Bachman had indicated that Alonso-Bermudez was willing to sign a general waiver. Bachman announced that position, however, about the same time as Alonso-Bermudez fired him, and the judge thought that Bachman no longer could speak for Alonso-Bermudez. Saechao went to trial with a new lawyer and was convicted. Wisconsin’s appellate court affirmed, rejecting his argument that the trial judge had violated the Constitution by depriving him of his chosen lawyer. And a federal district court denied Saechao’s request for collateral relief... AFFIRMED.

USA v. Korrtel Filzen No. 20-1071

Argued December 8, 2020 — Decided March 16, 2021

Case Type: Criminal

Southern District of Indiana, Indianapolis Division. No. 18-cr-69 — **Richard L. Young**, *Judge*.

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

KANNE, *Circuit Judge*. Korrtel Filzen pled guilty to eleven felony offenses related to an armed robbery spree. His plea agreement stipulated that his sentence would consist of 360 to 420 months' imprisonment and a special assessment of \$900, as required by a statute that mandates a \$100 special assessment per felony count. The somewhat obvious issue is that \$100 per count comes out to \$1,100, not \$900. And indeed, the district court sentenced Filzen to pay a special assessment of \$1,100. Although he did not object at the time, Filzen now challenges his sentence because of that \$200 discrepancy. On plain-error review, we find that the court's imposition of the correct, statutorily mandated special assessment—although it differs by \$200 from that in Filzen's plea agreement — need not be undone. We affirm.

Michael Thomas v. Aline Martija No. 19-1767

Argued October 28, 2020 — Decided March 16, 2021

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No 15 C 7187 — **Rebecca R. Pallmeyer**, *Chief Judge*.

Before RIPPLE, WOOD, and BRENNAN, *Circuit Judges*.

WOOD, *Circuit Judge*. In 1976, the Supreme Court recognized that the government has an “obligation to provide medical care for those whom it is punishing by incarceration.” *Estelle v. Gamble*, 429 U.S. 97, 103 (1976). And the state may not punish someone by withholding necessary care. As this court has recognized, the Eighth Amendment “safeguards the prisoner against a lack of medical care that ‘may result in pain and suffering which no one suggests would serve any penological purpose.’” *Petties v. Carter*, 836 F.3d 722, 727 (7th Cir. 2016) (en banc) (quoting *Gamble*, 429 U.S. at 103). The question in this case is whether Michael Thomas, who has been incarcerated in Illinois for over a decade, suffered from deliberately indifferent medical care in violation of his Eighth Amendment rights with respect to the care his prison furnished (or failed to furnish) for his broken hand and his enlarged prostate. In this suit, which Thomas brought under 42 U.S.C. § 1983, he seeks recovery from three sources: Dr. Saleh Obaisi; Dr. Aline Martija; and the company that Illinois uses to provide prison health care, Wexford Health Sources. The district court granted summary judgment to all defendants on all claims. We agree with the dispositions in favor of Dr. Martija and Wexford. We conclude, however, that triable issues of fact remain with respect to Dr. Obaisi (who appears here through his Estate, since he died several years ago). We thus reverse and remand that part of the judgment.

Jeffery Bridges v. USA No. 20-1623

Argued December 11, 2020 — Decided March 17, 2021

Case Type: Prisoner

Southern District of Indiana, Indianapolis Division — **Tanya Walton Pratt**, *Judge*.

Before ROVNER, HAMILTON, and SCUDDER, *Circuit Judges*.

HAMILTON, *Circuit Judge*... The issue here is whether a lawyer's failure to raise an important and, in this case, ultimately meritorious guideline argument may constitute ineffective assistance of counsel even where there was no directly on-point precedent within the circuit at the relevant time. We find that it may in this case... A federal grand jury indicted Bridges for four counts of robbery in violation of the Hobbs Act, 18 U.S.C. § 1951. Bridges agreed to a guilty plea stipulating that he was subject to the guideline career

offender enhancement, U.S.S.G. § 4B1.1, which could apply only if his crimes of conviction were “crimes of violence” as defined by the Guidelines... Bridges now seeks postconviction relief under 28 U.S.C. § 2255, alleging he was denied effective assistance of counsel in pleading guilty. He argues that his lawyer failed to realize and argue that Hobbs Act robbery did not then qualify as a “crime of violence” under the Guidelines, so he should not have been categorized as a career offender... The district court denied relief without holding a hearing, reasoning that counsel’s failure to anticipate arguments that we have not yet accepted cannot be constitutionally deficient. We reverse for an evidentiary hearing on defense counsel’s performance under 28 U.S.C. § 2255(b).

USA v. Antoine Wallace No. 20-1043

Argued September 24, 2020 — Decided March 17, 2021

Case Type: Criminal

Central District of Illinois. No. 19-20023 — **Michael M. Mihm**, *Judge*.

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

MANION, *Circuit Judge*. A jury convicted Antoine Wallace of being a felon in possession of a firearm. The judge sentenced him to 78 months in prison. Wallace asks us to vacate the conviction because there was insufficient evidence that he possessed a firearm. But an officer testified he saw Wallace pointing a silver handgun at him. Wallace challenges this testimony, but fails to overcome the standard of review, so we affirm the conviction. Wallace also challenges his sentence for two reasons. First, he claims the district court erred by adding two criminal history points based on his 2015 Illinois conviction for fleeing police even though, his argument goes, he never served time in custody for that conviction. But he admits the record shows he did serve time for that conviction. Second, he claims the court erred by adding eight levels to his offense level based on his 2004 Illinois drug conviction. He argues that conviction is not a “controlled substance offense” under the guidelines because the Illinois statute was broader than federal law. But our recent precedent foreclosed this argument. So we affirm the sentence.

USA v. Crystal Lundberg No. 19-3477

Argued February 24, 2021 — Decided March 17, 2021

Case Type: Criminal

Northern District of Illinois, Eastern Division. No. 17-CR-555-2 — **Elaine E. Bucklo**, *Judge*.

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

KANNE, *Circuit Judge*. Over the course of less than two years, Crystal Lundberg went on a \$5.8-million spending spree... The money she spent wasn’t hers. Nor was it Scott Kennedy’s, the tormented boyfriend who gave her the credit card she used. No, the money and credit card belonged to Kennedy’s employer, Nemera — intended for company purchases only. Nemera eventually caught on, and the couple’s scheme quickly unraveled. Kennedy cooperated with the government, pled guilty, and ultimately testified against Lundberg, who went to trial. The jury convicted Lundberg of five counts of wire fraud, and the court imposed a fifty-three-month sentence (plus well over \$4 million in restitution). Lundberg now appeals her conviction and sentence. Because we find no error in either, we affirm.

USA v. Anthony Jordan No. 19-2970

Argued November 17, 2020 — Decided March 18, 2021

Case Type: Criminal

Central District Illinois. No. 2:04-cr-20008-SEM-TSH-1 — **Sue E. Myerscough**, *Judge*.

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

HAMILTON, *Circuit Judge*. During his first three months while on supervised release, Anthony Jordan consistently tested negative on drug tests and called the probation office to find out about his next required tests. Nonetheless, over two days in June 2019, he missed a drug test and two assessments, prompting his probation officer to petition to revoke his supervised release. The district court ruled that Jordan had committed the violations, revoked his supervised release, and sentenced him to six months in prison followed by 26 months of supervised release (including 120 days in a halfway house). Jordan has appealed. We conclude that the district court did not sufficiently explain its decision, consider Jordan's defense that his violation was unintentional, or otherwise ensure that its sentence conformed to the parsimony principle of 18 U.S.C. § 3553(a). We therefore reverse the judgment.

USA v. Kristin Norris No. 20-3209

Submitted March 19, 2021 — Decided March 19, 2021

Case Type: Criminal

Central District of Illinois. No. 17-cr-30064-01 — **Sue E. Myerscough**, *Judge*.

Before DANIEL A. MANION, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; DIANE P. WOOD, *Circuit Judge*.

ORDER

Kristin Norris, a federal inmate with several health issues, sought compassionate release under 18 U.S.C. § 3582 because of his risk of severe complications if he contracts COVID-19. The district court acknowledged Norris's medical conditions but concluded that the sentencing factors under 18 U.S.C. § 3553(a) weighed against his release. Because the court did not abuse its discretion in denying Norris's motion, we affirm.

Grant Birchmeier, et al. v. Caribbean Cruise Line, Inc., et al. Nos. 20-2672 & 20-2676

Daisy Exum v. Caribbean Cruise Line, Inc. Nos. 20-2698 & 20-2699

Submitted March 16,, 2021 — Decided March 19, 2021

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 12 C 4609 — **Matthew F. Kennelly**, *Judge*.

Before FRANK H. EASTERBROOK, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*.

ORDER

Our first decision in this large-scale class action...affirmed the district court's handling of the settlement and award of attorneys' fees. What remained for decision was who had received how many illegal robocalls, each of which was to support an award of \$500 (subject to any adjustments necessary to ensure that the total received by class members fits within the range of \$56 million to \$76 million established by the settlement). Following the process outlined in the settlement, the district court resolved some open issues and referred others to a claims administrator, whose decisions could be reviewed by Wayne Anderson, serving as a special master. After the Master had made determinations (which the parties call "awarding calls"), the class took exception to some parts of the decision and three of the defendants took exception to others. The district judge asked the Master to hold additional hearings to resolve disputes by some class members who said that their claims had been mishandled. After that had been done, the judge resolved the remaining issues. The appeals contest two of the judge's decisions: one handling the principal class-wide issues...and one determining that class member Daisy Exum had received 15 robocalls rather than the 700 she claimed or the 250 the Master found... The class representatives have not appealed, but Exum and three of the original defendants have done so... The district judge largely endorsed the claims administrator's approach, observing that the class list had been compiled from incomplete records. We think that the district judge's opinion says all that need be said about the objections that the defendants have raised on appeal. **AFFIRMED**

Robert Preacher v. Paul Talbot No. 20-2060

Submitted March 19, 2021 — Decided March 19, 2021

Case Type: Prisoner

Southern District of Indiana, Indianapolis Division. No. 1:18-cv-03044-JRS-MJD — **James R. Sweeney II**, *Judge*.

Before DANIEL A. MANION, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; DIANE P. WOOD, *Circuit Judge*.

ORDER

Robert Preacher, an Indiana prisoner, sued prison staff and medical providers for failing to authorize the trimming of his facial hair with an electric shaver. After the district court found that Preacher had forged a memo from his doctor purportedly forbidding electric trims, it dismissed his suit as a sanction for falsifying evidence and lying about it. The court responded reasonably to Preacher's, deceit, so we affirm.

Vaun Monroe v. Columbia College Chicago No. 20-1530

Argued September 22, 2020 — Decided March 19, 2021

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:17-cv-05387 — **Thomas M. Durkin**, *Judge*.

Before SYKES, *Chief Judge*, and FLAUM and ROVNER, *Circuit Judges*.

ROVNER, *Circuit Judge*. Vaun Monroe, who was denied tenure at Columbia College of Chicago, has sued the College on a variety of theories alleging principally that the adverse tenure decision was tainted by race discrimination. Count IV of Monroe's amended complaint asserts a claim under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, for being subject to discrimination in a federally-funded program or activity. R. 50 at 22–23. In a separate order issued contemporaneously with this opinion, we resolve Monroe's other claims against the College and his former department chairperson, Bruce Sheridan. In this opinion, we address a question of first impression in this circuit as to which state statute of limitations applies to Title VI claims... and the pertinent question here is whether the correct period is the state's five-year catchall limitations period for civil claims, see 735 ILCS 5/13-205, or the two-year period for personal injuries, see 735 ILCS 5/13-202. If the latter limitations period governs, as the district court held..., then there is no doubt that Monroe's Title VI claim is untimely, as it was filed more than two years after the discriminatory actions he challenges in this suit took place... The two-year period in Illinois for personal injury claims applies, and Monroe's Title VI claim was therefore untimely. The district court properly entered summary judgment against Monroe as to Count IV of the amended complaint on this basis. AFFIRMED

Vaun Monroe v. Columbia College Chicago No. 20-1530

Argued September 22, 2020 — Decided March 19, 2021

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:17-cv-05387 — **Thomas M. Durkin**, *Judge*.

Before DIANE S. SYKES, *Chief Judge*; JOEL M. FLAUM, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*.

ORDER

After he was denied tenure at Columbia College of Chicago, Vaun Monroe sued Columbia and his former department chairperson, Bruce Sheridan, on various federal claims of race discrimination and on state law theories. The district court resolved all of the claims in favor of the defendants on motions to dismiss and for summary judgment. A separate opinion issued contemporaneously with this order resolves Monroe's Title VI claim... Monroe filed this suit in August 2017 after the EEOC issued his right-to-sue letter. Counts I and II of his amended complaint set forth claims of race discrimination and retaliation in

violation of Title VII. Counts III and IV set forth similar claims of race discrimination in violation of 42 U.S.C. § 1981 (right to make and enforce contracts) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d (proscribing discrimination in federally funded programs). Counts V and VI set forth state-law claims for intentional interference with contract and tortious interference with a prospective economic advantage... we AFFIRM the district court's judgment as to Counts I through III and V and VI of Monroe's amended complaint.

Steven Scott v. Gary Ankarlo No. 20-1388

Submitted March 19, 2021 — Decided March 19, 2021

Case Type: Prisoner

Eastern District of Wisconsin. No. 18-CV-312 — **Lynn Adelman**, *Judge*.

Before DANIEL A. MANION, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; DIANE P. WOOD, *Circuit Judge*.

ORDER

Steven Scott, a Wisconsin inmate, sued four providers in his prison's Psychological Services Unit for deliberate indifference under the Eighth Amendment. He claimed that the defendants enabled unhealthy conditions and failed to ensure that he received basic hygiene supplies during his time in clinical observation status. Scott now appeals the district court's entry of summary judgment for the psychologists. Because a reasonable jury could not find the defendants responsible for the conditions in Scott's observation cell, 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](#).