

Opinions for the week of September 21 – September 25, 2020

Bruce Webster v. T. Watson No. 19-2683

Argued August 5, 2020 — Decided September 22, 2020

Case Type: Prisoner

Southern District of Indiana, Terre Haute Division. No. 2:12-cv-86 — **William T. Lawrence**, *Judge*.
Before KANNE, HAMILTON, and SCUDDER, *Circuit Judges*.

SCUDDER, *Circuit Judge*. In 1996 the federal district court in Fort Worth, Texas sentenced Bruce Webster to death for the murder two years earlier of a 16-year-old girl. Ever since Webster has sought relief from that sentence on the same ground he advanced at trial—that he is intellectually disabled. His efforts gained traction in 2009, when his lawyers came upon records dating to 1994 from the Social Security Administration showing that three different doctors found him intellectually disabled. That development sparked a renewed effort to secure relief in this circuit because Webster is housed in the U.S. Penitentiary in Terre Haute, Indiana. In 2015, sitting *en banc*, we held that Webster was not barred by the limitations imposed on successive requests for post-conviction relief from seeking to show that he is ineligible for the death penalty based on newly discovered evidence. *Webster v. Daniels*, 784 F.3d 1123, 1139–40 (7th Cir. 2015). We remanded to allow the district court to determine whether the Social Security records constituted newly discovered evidence—a question turning on whether the records were “previously existing evidence of [Webster’s] intellectual disability that counsel did not uncover despite diligent efforts.” *Id.* at 1141. Following extensive proceedings on remand, the district court found that Webster’s defense counsel did not discover the Social Security records despite reasonable diligence at the time of trial. From there the district court held a five-day hearing and determined that Webster had carried his burden of showing by a preponderance of the evidence that he is intellectually disabled. Having taken our own look at the record evidence, we conclude that the district court’s findings contain no clear error. We therefore affirm the decision to vacate Webster’s death sentence.

Servotronics, Inc. v. Rolls-Royce PLC No. 19-1847

Argued September 19, 2019 — Decided September 22, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 18-cv-7187 — **Elaine E. Bucklo**, *Judge*.
Before SYKES, *Chief Judge*, and HAMILTON and BRENNAN, *Circuit Judges*.

SYKES, *Chief Judge*. Section 1782(a) of Title 28 authorizes the district court to order a person within the district to give testimony or produce documents “for use in a proceeding in a foreign or international tribunal.” This case asks whether a private foreign arbitration is “a proceeding in a foreign or international tribunal” within the meaning of the statute. Two decades ago, the Second and Fifth Circuits answered this question “no,” holding that § 1782(a) authorizes the district court to provide discovery assistance only to state-sponsored foreign tribunals, not private foreign arbitrations. *Nat’l Broad. Co. v. Bear Stearns & Co.*, 165 F.3d 184, 191 (2d Cir. 1999); *Republic of Kazakhstan v. Biedermann Int’l*, 168 F.3d 880, 883 (5th Cir. 1999). More recently, the Sixth Circuit reached the opposite conclusion, *Abdul Latif Jameel Transp. Co. v. FedEx Corp. (In re Application to Obtain Discovery for Use in Foreign Proceedings)*, 939 F.3d 710, 714 (6th Cir. 2019), and the Fourth Circuit agreed, *Servotronics, Inc. v. Boeing Co.*, 954 F.3d 209, 214 (4th Cir. 2020). We join the Second and Fifth Circuits and hold that § 1782(a) does not authorize the district court to compel discovery for use in a private foreign arbitration...
AFFIRMED

Tom Tuduj v. Frank Lawrence No. 19-2933

Submitted September 17, 2020 — Decided September 24, 2020

Case Type: Prisoner

Southern District of Illinois. No. 3:17-cv-00219-NJR-GCS **Nancy J. Rosenstengel**, *Chief Judge*.

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

ORDER

Tom Tuduj asserts that prison doctors violated the Eighth Amendment by not providing him with adequate medical care for three conditions: migraine headaches, light sensitivity, and skin rashes. *See* 42 U.S.C. § 1983. The district court entered summary judgment for defendants. Because Tuduj failed to offer evidence that the defendants were deliberately indifferent to these medical needs, 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](#).