

## **Opinions for the week of September 28 – October 2, 2020**

### **Democratic National Committee v. Marge Bostelmann, Secretary of the Wisconsin Elections Commission, et al.** Nos. 20-2835 & 20-2844

Submitted September 26, 2020 — Decided September 29, 2020

Case Type: Civil

Western District of Wisconsin. Nos. 20-cv-249-wmc, *et al.* — **William M. Conley**, *Judge*.

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

PER CURIAM. The Democratic National Committee and other plaintiffs contend in this suit that statutes affecting the registration of voters and the conduct of this November's election, although constitutional in principle, see *Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020), will abridge some voters' rights during the SARS-CoV-2 pandemic. The state's legislative branch, plus the Republican National Committee and the Republican Party of Wisconsin, intervened to defend the statutes' application to this fall's election. A district judge held that many of the contested provisions may be used but that some deadlines must be extended and two smaller changes made... The interim stay previously entered is vacated. In addition to denying the motions, we give appellants one week to show cause why these appeals should not be dismissed for lack of appellate jurisdiction.

### **Mwenda Murithi v. Bryan Gleckler** No. 19-2809

Submitted August 26, 2020 — Decided September 30, 2020

Case Type: Prisoner

Southern District of Illinois. No. 3:16-cv-00152-NJR-GCS — **Nancy J. Rosenstengel**, *Chief Judge*.

Before MICHAEL S. KANNE, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; AMY C. BARRETT, *Circuit Judge*.

#### **ORDER**

Mwenda Murithi, an Illinois prisoner, requested placement in protective custody after receiving threats from a prison gang. When the gang made good on its threats and attacked Murithi some months later, he sued various prison officials for failing to protect him, in violation of the Eighth Amendment. See 42 U.S.C. § 1983. The district court entered summary judgment for defendants, concluding that Murithi could not show that defendants were deliberately indifferent to his reports of possible danger. We agree and affirm.

### **Planned Parenthood of Indiana v. Commissioner of the Indiana** No. 17-1883

September 30, 2020

Case Type: Civil

Southern District of Indiana, Indianapolis Division. No. 1:16-cv-01807-TWP-DML — **Tanya Walton Pratt**, *Judge*.

Before WILLIAM J. BAUER, *Circuit Judge* MICHAEL S. KANNE, *Circuit Judge* ILANA DIAMOND ROVNER, *Circuit Judge*

#### **ORDER**

On July 2, 2020, the United States Supreme Court granted defendants' petition for a writ of certiorari, and vacated the decision of this Court and remanded the case to this Court for further consideration in light of *June Medical Services, L.L.C. v. Russo*, 140 S. Ct. 2103 (2020). *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, No. 18-1019, 2020 WL 3578669 (July 2, 2020). In light of the parties' joint Rule 54 statement requesting that we return this case to the district court, we remand to effectuate the parties' agreement. It is so ordered.

**Michael Edwards v. Indiana University** No. 20-1866

Submitted September 17, 2020 — Decided October 1, 2020

Case Type: Civil

Southern District of Indiana, Indianapolis Division. No. 1:19-cv-01000-JMS-MJD — **Jane Magnus-Stinson**, *Chief Judge*.

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

**ORDER**

Michael Edwards, who had taught at Indiana University for nearly two decades, believes that he was fired from his job because of his race. He used a form complaint from the Southern District of Indiana to sue the University for race discrimination. The district court, construing his complaint under 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e–2(a), found no evidence that race influenced the University’s decision and entered summary judgment against him. We affirm.

**Randal Ricci v. Darrin Salzman** No. 19-3035

Argued September 17, 2020 — Decided October 1, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 18-cv-6993 — **Matthew F. Kennelly**, *Judge*.

Before KANNE and HAMILTON, *Circuit Judges*.

KANNE, *Circuit Judge*. This case calls for us to determine whether the district court properly dismissed the plaintiff’s amended complaint without prejudice under the doctrine of derivative jurisdiction even though that complaint invoked federal jurisdiction. We affirm the district court because the derivative jurisdiction doctrine barred it from exercising jurisdiction over the case and dismissal without prejudice was the appropriate result.

**Curtis Westbrook v. Daniel Hahn, et al., and Muncie City Court** Nos. 19-1470 & 19-1634

Submitted September 2, 2020 — Decided October 2, 2020

Case Type: Civil

Southern District of Indiana, Indianapolis Division. No. 1:16-cv-00274-WTL-DLP — **William T. Lawrence**, *Judge*.

Before DAVID F. HAMILTON, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

## ORDER

Curtis Westbrook sued several city and county employees and entities, the Muncie City Court, and Judge Dianna Bennington after Bennington issued an order of contempt against him, resulting in him being jailed for 10 days. The district court recruited an attorney for Westbrook, and the attorney negotiated a settlement agreement. When the defendants moved to enforce it, however, Westbrook objected. The district court then concluded that a binding oral agreement had been reached. On appeal, Westbrook argues that he did not agree to the settlement and that Bennington was not entitled to judicial immunity. The Muncie City Court cross-appeals, arguing that the district court should have found it immune from suit. We affirm the district court's rulings in Westbrook's appeal, and we dismiss the cross-appeal as unnecessary.

### **Prairie Rivers Network v. Dynegy Midwest Generation, LLC** No. 18-3644

Decided September 24, 2020 – Published October 2, 2020

Case Type: Civil

Central District of Illinois. No. 2:18-cv-02148 — **Colin S. Bruce**, *Judge*.

SCUDDER, *Circuit Judge*, in chambers. Many Q&As with appellate judges draw a question whether *amicus curiae* briefs add value to deciding cases. And most of the time judges give the answer that first-year law students quickly learn is ubiquitous in the law—"sometimes; it depends." This opinion offers a few thoughts on the question as part of explaining why I granted motions to accept three *amicus* briefs in this appeal... Finally, the Washington Legal Foundation's brief offers its own theory for how to best fit *County of Maui* into the existing federal scheme regulating the pollutants at issue here. Members of the court might find any or all of these additions helpful to deciding this appeal.

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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](#).