NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted April 15, 2024*
Decided April 16, 2024

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2464

DEREK J. DeGROOT,
Plaintiff-Appellant,

v.

WISCONSIN DEPARTMENT OF CORRECTIONS and MARIO CANZIANI,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of Wisconsin.

No. 21-cv-123-wmc

James D. Peterson,
Chief Judge.

O R D E R

Derek DeGroot, a Wisconsin prisoner, sued the state's Department of Corrections and the deputy warden of his prison, seeking to enjoin a COVID-19 mask mandate (no longer in effect) on the ground that the mandate burdened his religious need to inhale

* We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

air without obstruction. The district court dismissed his amended complaint for failure to state a claim and, because the Department had lifted the mandate, for mootness. The case is indeed moot; thus we affirm.

We take the following from DeGroot's amended complaint. *See Schillinger v. Kiley*, 954 F.3d 990, 994 (7th Cir. 2020). In July 2020, to prevent the spread of COVID-19, the Department mandated that prisoners wear masks outside their cells, except for eating, drinking, and outdoor recreation. DeGroot follows a religious creed that holds that unobstructed breathing creates proximity with God and that obstructed breathing antagonizes God. Shortly after the mandate went into effect, DeGroot refused to wear a mask and was sent to punitive segregation briefly. His internal grievances about the mandate and his punishment, and his requests for medical and religious exemptions, were unsuccessful. For the next two years, DeGroot wore a face mask against his religious wishes. The Department lifted the mandate in April 2022.

Before the mandate ended, DeGroot filed this suit. The district court screened his complaint, 28 U.S.C. §§ 1915(e)(2); 1915A, and dismissed it, but the court allowed him to amend it to allege a claim for an injunction under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1 (RLUIPA). Under this law, if a prison's policy substantially burdens a prisoner's sincere religious belief, he may be entitled to relief unless the policy is the least restrictive means of achieving a compelling state interest. *See Ramirez v. Collier*, 595 U.S. 411, 425 (2022). DeGroot then amended his complaint to allege that the mandate was not the least restrictive means of reducing COVID-19 transmission. He argued that the cloth masks that prisoners received were ineffective, that their absence at meals and outdoors jeopardized prisoners, and that a less restrictive alternative would require everyone but him to wear a mask.

The district court accepted that wearing a face mask substantially burdened DeGroot's sincere religious beliefs, but it dismissed the suit. It ruled that the public consensus held that masking reduced the spread of the infectious disease in prison, and it reasoned that DeGroot had not articulated any feasible less restrictive way of protecting prisoners from COVID-19. DeGroot moved for reconsideration, arguing that he had satisfied his pleading obligations under RLUIPA and that the law required the defendants to plead that the mandate was the least restrictive means of furthering a compelling interest. The district court denied the motion. It also observed that the mask mandate had just ended in April 2022, and because only injunctive relief was available under RLUIPA, DeGroot's claim was moot.

We need only address the district court's conclusion, with which we agree, that DeGroot's claim for injunctive relief is moot. A court must dismiss a claim as moot if the plaintiff obtained "outside of litigation all the relief he might have won in it." *FBI v. Fikre*, 144 S.Ct. 771, 777 (2024). The rule does not apply when a defendant ceases the contested conduct and the events that precipitated the suit might "reasonably be expected to resume." *Id.* at 778. But that is not the case here. The evolving nature of the virus, *see United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022), and the changing potential defenses to it (such as improved masks and updated vaccines) have altered "the trajectory of the pandemic," rendering litigation to enjoin rescinded responses to the pandemic moot, *Brach v. Newsom*, 38 F.4th 6, 15 (9th Cir. 2022) (en banc) *cert. denied*, 143 S.Ct. 854 (2023); *see also Resurrection Sch. v. Hertel*, 35 F.4th 524, 529 (6th Cir. 2022) (en banc) *cert. denied*, 143 S.Ct. 372 (2022). This case, seeking to enjoin a now-rescinded mandate that responded to a version of the pandemic that is no longer around, is therefore moot.

AFFIRMED