

**NONPRECEDENTIAL DISPOSITION**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 December 3, 2013\*  
Decided December 3, 2013

Before

WILLIAM J. BAUER, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

No. 13-2825

QUINCY M. NERI,

*Plaintiff-Appellant,*

*v.*

SENTINEL INSURANCE COMPANY LIMITED and  
ERIC FERGUSON, doing business as White School  
Studios,

*Defendants-Appellees.*

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

No. 13-cv-382-bbc  
Barbara B. Crabb, *Judge.*

## Order

The district court dismissed this suit as barred by an earlier judgment, which has since been vacated. *Neri v. Monroe*, 726 F.3d 989 (7th Cir. 2013). The judge has stated that she will proceed to the merits as soon as this court resolves the appeal and restores jurisdiction to the district court. That is a sensible approach. Appellant asks us to direct

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\* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).

the district court to enter judgment in her favor immediately, but that would be inappropriate. As our published opinion observes, defenses such as fair use must be evaluated.

The judgment is vacated, and the case is remanded for further proceedings. The mandate will issue today.