

United States Court of Appeals
For the Eighth Circuit

No. 19-1956

Terry Lee Branson

Plaintiff - Appellant

v.

Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Brian Ninneman; Courtney Jo Menten; Kent Johansen; Jamie Houlk; Paul Mayfield; Dr. Crystal Leal; Skye Renee Davis; Joseph Mullen; Susan Johnson; Sarah Harrick; Meg McCauley; Jackie Warman; Allison Collins; Jessica Unklehauser; Jamie Wuori; Cal R. Ludeman; Lucinda Jesson, in her individual capacity only; Dennis L. Benson; Tom Lundquist, in their official and individual capacities; Jane Doe and John Doe, whose true names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1962

Kenneth Donald Hand

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy

Johnston; Shelby Richardson; Jannine Hebert; Dr. David Prescott; Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Laine Jahnke; Dr. Samantha Sheeran; Yvette Andersen; Debra James; Dr. Jane Ward; Bruce Wagner; Shannon Elke; David Averill; Kristen Johnson; Darci Wikeluis, formerly known as Darci Lewis; Megan Miller; Ross Peterson; Darlene L. Harris; Wes Kooistra; Anne Barry; Nancy Stacken; Greg Carlson; Tara Osborne-Leivian; James Loveland; James Neese; Kristi Strang; Julie Rieger; Paul J. Halverson; D. Minor; S. Winkelmann; Benjamin Zwart, in their official and individual capacities; John Doe and Jane Doe, whose names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1964

Peter Gerard Lonergan

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; David Prescott; Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Tara Osborne-Leivian; Laine Jahnke; Dr. Samantha Sheeran; Yvette Andersen; Kent Johansen; Dr. Jane Ward; Pamela Stanchfield; Bruce Wagner; Shannon Elke; Stephanie Mohn; Kristen Johnson; Ross Peterson; Jessica Unklehauser, in their official and individual capacities; John Doe and Jane Doe, whose names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1970

Randy Earl Hammermeister

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Emily Johnson Piper, in her individual capacity only; Dr. David Prescott; Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Nancy Johnston; Shelby Richardson; Jannine Hebert; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Tara Osborne-Leivian; Laine Jahnke; Samantha Sheeran; Yvette Andersen; Darlene L. Harris; Dr. Jane Ward; Cristy Leonard Rivers; Bruce Wagner; Shannon Elke; Katherine McDowell; Angie Parrent; Ross Peterson; Shaina Connolly; Joelle Deppa; Darci Wikeluis, formerly known as Darci Lewis; Jenna Younker; Dan Maki; Tom Lundquist, in their official and individual capacities; John Doe and Jane Doe, whose names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1973

Brad Ronald Stevens

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy

Johnston; Jannine Hebert; Dr. Peter Puffer; Katherine Lockie; Dr. Lauren Herbert; Dr. Elizabeth Peterson; Dr. Michelle Brownfield; Dr. Anne Pascucci; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Brian Ninneman; Courtney Jo Menten; Kent Johansen; Jamie Houk; Paul Mayfield; Dr. Crystal Leal; Joseph Mullen; Susan Johnson; Sarah Herrick; Jackie Warman; Allison Collins; Shelby Richardson; Jamie Wuori; Meg McCauley; Nicole Vaineo; James Loveland; James Neese; Kristi Strang; Julie Rieger; Paul J. Halverson; D. Minor; S. Winkelmann; Benjamin Zwart, in their official and individual capacities; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1976

Steven Merrill Hogy

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Tara Osborne-Leivian; Dr. Samantha Sheeran; Yvette Andersen; Joseph Mullen; Katherine E. Klancher; Jamie Wuori; Dr. Jane Ward; Debbie D. Thao; Sarah Herrick; Bruce Beaman; Dianna J. Borsstad; Sarah Olean; Meredith Kenow; Jenna Younker; Darlene L. Harris; Jessica Unklehauser, in their official and individual capacities; John Doe and Jane Doe, whose true names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1987

Peter Allan, Sr.

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; David Prescott; Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Jerry Fjerkenstad; Ann Zimmerman; Steve Sayovitz; Steve Sadjak; Joanne Christensen; Sara Kulas; Rob Rose; Dana Osborne; Tara Osborne-Leivian; Laine Jahnke; Samantha Sheeran; Jane Ward; Megan Miller; Jenna Younker; Ross Peterson, in their official and individual capacities; John Doe and Jane Doe, whose true names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1990

Bradley Wayne Foster

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Dennis Benson; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; Dr. David Prescott;

Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Laine Jahnke; Dr. Samantha Sheeran; Yvette Andersen; Dr. Jane Ward; David Averill; Darci Lewis; Shannon Elke; Ross Peterson; Jana Brister-Korby; Sarah Herrick; Katherine McDowell; Debra James; Tara Osborne-Leivian, in their official and individual capacities; John Doe and Jane Doe, whose true names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

No. 19-1992

Kevin Scott Karsjens

Plaintiff - Appellant

v.

Cal Ludeman; Lucinda Jesson, in her individual capacity only; Tom Lundquist; Emily Johnson Piper, in her individual capacity only; Nancy Johnston; Shelby Richardson; Jannine Hebert; Dr. Peter Puffer; Susan Persons; Katherine Lockie; Dr. Elizabeth Peterson; Kevin Moser; Terry Kniesel; Scott Benoit; David Bornus; Steve Sayovitz; Joanne Christensen; Sara Kulas; Dana Osborne; Tara Osborne-Leivian; Laine Jahnke; Dr. Samantha Sheeran; Yvette Andersen; Kent Johansen; Dr. Jane Ward; Pamela Stanchfield; Bruce Wagner; Shannon Elke; Stephanie Mohn; Kristen Johnson; Ross Peterson; Christy Leonard-River; Nick Lamme; Dr. Jennifer Jones; Dennis Benson, in their official and individual capacities; Jane Doe and John Doe, whose true names are unknown; and Pamela Wheelock, Acting Commissioner of the Minnesota Department of Human Services, in her official capacity only

Defendants - Appellees

Appeals from United States District Court
for the District of Minnesota

Submitted: November 1, 2021
Filed: February 2, 2022
[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

In these consolidated appeals, nine Minnesota civil detainees appeal the district court's dismissals of their identical 42 U.S.C. § 1983 actions.

The district court dismissed Counts 1 and 2 in each case as barred by issue preclusion, based on the claims in Karsjens v. Piper, 336 F. Supp. 3d 974 (D. Minn. 2018). However, this court subsequently vacated the dismissals of the claims in Karsjens on which the finding of issue preclusion was based and remanded the claims to the district court where those claims remain pending. See Karsjens v. Lourey, 988 F.3d 1047, 1054 (8th Cir. 2021). Thus, we conclude that Counts 1 and 2 are not currently barred. See United Bhd. of Carpenters & Joiners of Am. v. Operative Plasterers' & Cement Masons' Int'l Ass'n of U.S. & Canada 721 F.3d 678, 691 (D.C. Cir. 2013) (judgment vacated on appeal has no estoppel effect in a subsequent proceeding). However, that is not the end of the story. It remains to be seen whether issue preclusion will apply after the district court disposes of the Karsjen claims on remand, or, whether the claims are subject to dismissal as duplicative of the pending Karsjens litigation.

As to Count 3, we conclude that the district court did not err in dismissing the count, as plaintiffs' equal protection claims failed. See Plymouth v. Merscorp, Inc., 774 F.3d 1155, 1158 (8th Cir. 2014) (de novo review); Gallagher v. City of Clayton, 699 F.3d 1013, 1019 (8th Cir. 2012) (where law neither implicates fundamental right nor involves suspect class, law need only be rationally related to legitimate state interest in order to survive equal protection challenge); Cutshall v. Sundquist, 193 F.3d 466, 482 (6th Cir. 1999) (sex offenders are not suspect class); Klinger v. Dep't of Corr., 31 F.3d 727, 731 (8th Cir. 1994) (inmates in different facilities were not similarly situated for purposes of prison programs and services).

Accordingly, we reverse the dismissal of Counts 1 and 2, and remand these counts to the district court for further proceedings, with instructions to stay the matter pending disposition, by the district court, of the Karsjens claims. We affirm the dismissal of Count 3.
