

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ZACHARY CHESSER,

Plaintiff,

v.

Case No. 12-cv-1198-JPG-RJD

J.S. WALTON, LISA HOLLINGSWORTH, WENDY ROAL, DARREN SPROUL, CALVIN JOHNSON, STEVE JULIAN, JOHN PARENT, ROBERT ROLOFF, PAUL KELLY, STEVEN CARDONA, MILTON NEUMANN, HENRY RIVAS, LAWRENCE HOWARD, JEFFREY BANEY, G. FOZZARD, C/O WEBB, T. SMITH, C/O BASLER, C/O HAMPTON, C/O FALIMER, C/O LENNON, H. CLARK, LT. LOCKRIDGE, K. WELLS, LT. MALCOLM, LT. VAN DYVER, APRIL CRUITT, T. CAPALDO, STEPHEN COLT, J. SIMMONS, LESLIE SMITH, MICHAEL NALLEY, AMBER NELSON, PAUL LAIRD, KEITH HARRISON, HARLEY LAPPIN, CHARLES SAMUELS JR., THOMAS KANE, D. SCOTT DODRILL, ERIC HOLDER JR., LORETTA LYNCH and UNITED STATES OF AMERICA,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, the Court having rendered a decision as to some matters and a jury having rendered a verdict as to others,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of defendants Cardona and Neumann and against plaintiff Chesser on Count 5 (a *Bivens* claim for retaliation in violation of the First Amendment);

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed with prejudice:

- Count 1 (a *Bivens* claim for violation of the First Amendment free exercise clause and establishment clause) against defendants Holder, Lynch, Samuels and Walton;
- Count 3 (claims under state law for intentional infliction of emotional distress) against defendants Holder, Lynch, Samuels Jr. and Walton; and
- Count 4 (a *Bivens* claim for violation of the equal protection guarantees in the Fifth Amendment due process clause) against defendants Holder, Lynch, Samuels, Walton and Roloff; and

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- All claims against defendants Hollingsworth, Roal, Sproul, Johnson, Julian, Parent, Kelly, Rivas, Howard, Baney, Fozzard, Webb, T. Smith, Basler, Hampton, Falimer, Lennon, Clark, Lockridge, Wells, Malcolm, Van Dyver, Cruitt, Capaldo, Colt, Simmons, L. Smith, Nalley, Nelson, Laird, Harrison, Lappin, Kane, and Dodrill;
- Count 2 (a claim for violation of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1) against defendants Holder, Lynch, Samuels and Walton;
- Count 3 (claims under Federal Tort Claims Act for intentional infliction of emotional distress) against defendant United States of America; and
- Count 6 (conspiracy claim under 42 U.S.C. §§ 1985 and 1986).

DATED: May 25, 2017

JUSTINE FLANAGAN, Acting Clerk of Court

s/Tina Gray, Deputy Clerk

Approved: s/ J. Phil Gilbert _____
J. PHIL GILBERT
DISTRICT JUDGE