

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KENNETH HOUCK,

Plaintiff,

v.

Case No. 16-cv-1396-JPG

UNITED STATES OF AMERICA, MAUREEN
BAIRD, SLOOP, FEDERAL BUREAU OF
PRISONS, A. MARQUEZ, J.M. POWERS, C/O
JOHN DOE 1, C/O JOHN DOE 2, C/O LANG, C/O
WOOLRIDGE, DR. COOK, J. WEBER, LT.
BROOKS, LT. JOHN DOE 1, LT. JOHN DOE 2, LT.
MASH, LT. McMILLON, LT. DELOIA, MR.
MEADE, MS. CASTELLANO, MS. G. CREWS and
SIS LT. JOHN DOE,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

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

- All claims against defendant Federal Bureau of Prisons;
- Count 1, a claim based on the Fifth Amendment Due Process right to equal protection (identified in the Complaint as Counts 1, 5, 6, and 8) against Weber and Cook for including improper information in Plaintiff's Correctional Management Plan that singled him out for differential treatment based on his status as a homosexual person, and against Lang, Deloia, C/O John Doe #1, C/O John Doe #2, Meade, and Castellano for restricting his access to publications and other materials that heterosexual inmates are allowed, based on the Correctional Management Plan;
- Count 4, a First Amendment claim for violation the right to free speech and association (identified in the Complaint as Count 4) against Weber, Lang, Deloia, Meade, Cook, and Castellano, for preventing Plaintiff from writing to or soliciting correspondence with pen pals, possessing certain photographs, or accessing certain written material;

- Count 5, a Federal Tort Claims Act claim for defamation (identified in the Complaint as Count 3) against the United States, for placing false and slanderous comments into Plaintiff's Sex-Offender Management Program records; and
- Count 6, a claim under the Privacy Act (5 U.S.C. § 552a(e)(5)) (identified in the Complaint as Count 9) against Powers, for intentionally including false information in Plaintiff's Sex-Offender Management Program records; and

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

- All claims against Maureen Baird, Sloop, A. Marquez, C/O Woolridge, Lt. Brooks, Lt. John Doe #1, Lt John Doe #2, Lt. Mash, Lt. McMillon, Ms. G. Crews, and SIS Lt. John Doe;
- Count 2, a First Amendment retaliation claim (identified in the Complaint as Count 2);
- Count 3, a claim for denial of access to the courts (included in the claim identified in the Complaint as Count 8), against Meade for reporting his inter-library loan requests to the Sex-Offender Management Program staff, and for the denial of his request for state tort law information;
- Count 4, a First Amendment claim for violations of the right to free speech and association (identified in the Complaint as Count 4) against C/O John Doe #1 and C/O John Doe #2;
- Count 7, a Federal Tort Claims Act claim for official misconduct (identified in the Complaint as Count 12) against the United States;
- Count 8, a Federal Tort Claims Act claim for aiding and abetting, and conspiracy (identified in the Complaint as Count 18) against the United States; and
- Count 9, a Federal Tort Claims Act claim for intentional infliction of emotional distress (identified in the Complaint as Count 19) against the United States.

The remaining claims in Houck's complaint were severed into a different case.

DATED: March 5, 2020

MARGARET M. ROBERTIE, Clerk of Court

s/Tina Gray, Deputy Clerk

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