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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

ARCHIE BEAR, et al.,   )
)
                   Plaintiffs,   )   No. 14 cv 05 EJM
         vs.   )
)   ORDER
TRACY DIETSCH, et al.,   )
)
                   Defendants.   )

This matter is before the court on plaintiff Archie Bear's resisted Motion to Amend or Correct Judgment, and plaintiff Duane Yates' resisted Motion to Enlarge Ruling re Judgment, both filed January 21, 2015. Both denied.

On January 9, 2015, this court granted defendants' motion for summary judgment. Defendants asserted many grounds for judgment, including (1) failure to exhaust administrative remedies, (2) the bar to claims by 42 U.S.C. §1997e(e), (3) qualified immunity, and others. Defendants asserted, unresisted at the time, that each plaintiff failed to exhaust his administrative remedies (Def.'s Statement of Undisputed Facts #11; Wolmutt Affidavit; Def.'s Brief, p. 7.) However, in fact the failure to exhaust defense only applied to plaintiff Ferguson. Nonetheless, the result remains the same because the bar by 42 U.S.C. §1997e(e) and the qualified immunity defense applied to all five plaintiffs, constituting alternative grounds for the judgment.

42 U.S.C. §1997e(e) provides that "No federal civil action may be brought by a prisoner confined in a jail, prison...for mental or emotional injury suffered while in

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custody without a prior showing of physical injury." Plaintiffs assert no physical injury in this case, so their claims for monetary damages are barred. Royal v. Kautzky, 375 F.3d 720 (8th Cir. 2004.) Injunctive relief claims are moot, Smith v. Hundley, 190 F.3d 852 (8th Cir. 1999), and punitive damages are not available. Coleman v. Rahija, 114 F.3d 778 (8th Cir. 1997.)

Alternatively, defendants enjoy qualified immunity, Harlow v. Fitzgerald, 457 U.S. 800 (1982.) Plaintiffs have not pled any facts alleging violation of clearly established constitutional rights which would surmount this barrier.

It is therefore

ORDERED

Both denied.

March 23, 2015

Edward J. McManus, Judge
UNITED STATES DISTRICT COURT