

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Pittman,

Case No. 11-CV-3658 (PJS/TNL)

Plaintiff,

v.

ORDER

Lori Swanson; Governor Dayton; Dennis Benson; Lucinda Jesson; Cal Ludeman; Greg Carlson; Kevin Moser; David Prescott; Janine Hebert; Tom Lundquist; Elizabeth Barbo; Linda Anderson; Kelli Minor; Rob Rose; Dominique Wilson; Allison Collins; Debbie James; Terry Kneisel; Sara Kulas; James Martinez; Craig Berg; Vickie Aldridge; and Ramsey County Social Services Corrine Malaske,

Defendants.

Jamaal Carey,

Plaintiff,

Case No. 11-CV-3711 (PJS/TNL)

v.

Lori Swanson; Governor Dayton; Dennis Benson; Lucinda Jesson; Cal Ludeman; Greg Carlson; Kevin Moser; Eric Skon; Janine Hebert; Tom Lundquist; Elizabeth Barbo; Nancy Johnson; Troy Sherwood; Tim Gore; Jennifer Jenniges; Stacey Sonnek; Julie Rose; Terry Kneisel; Seth Doe; and Clay County Social Services Jane Doe,

Defendants.

Charles A. Talyor (aka Terrance A. Pettis),

Plaintiff,

Case No. 11-CV-3728 (PJS/TNL)

v.

Lori Swanson; Governor Dayton; Dennis Benson; Lucinda Jesson; Cal Ludeman; Greg Carlson; Kevin Moser; David Prescott; Ph.D., LP Janine Hebert; Tom Lundquist; Elizabeth Barbo; Linda Anderson; Kelli Minor; Rob Rose; Dominique Wilson; Allison Collins; Debbie James; Terry Kneisel; Sara Kulas; James Martinez; Craig Berg; Vickie Aldridge; Hennepin County Social Services; Nicole Armstrong,

Defendants.

Earl Stephan McMoore,

Case No. 12-CV-318 (PJS/TNL)

Plaintiff,

v.

Lori Swanson; Governor Dayton; Dennis Benson; Lucinda Jesson; Cal Ludeman; Greg Carlson; Kevin Moser; David Prescott; Ph.D., LP Janine Hebert; Tom Lundquist; Elizabeth Barbo; Linda Anderson; Kelli Minor; Rob Rose; Dominique Wilson; Allison Collins; Debbie James; Terry Kneisel; Sara Kulas; Tara Osborne; Jane Stinar; Vickie Aldridge; and Hennepin County Social Services Nicole Armstrong, each sued in their individual capacity and in their official capacity as employees of the State Attorney General's Office, the Governor's Office, and the Minnesota Department of Human Services

Defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 27, 2023, along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The following claims in the Complaints of Plaintiff Carey, (ECF No. 1), Plaintiff McMoore (ECF No. 1), Plaintiff Pettis (ECF No. 1) and Plaintiff Pittman (ECF No. 1) are **DISMISSED WITHOUT PREJUDICE**:
 - a. Plaintiffs' First Cause of Action: Failure to Provide Treatment.

b. Plaintiffs' Second Cause of Action: Unreasonable Restrictions on Free Speech, **EXCEPT** –

- i. Plaintiffs' claim against Defendants Julie Rose, Rob Rose, and Terry Kneisel in their individual and official capacities alleging that they repeatedly intentionally delayed the distribution of Plaintiffs' mail. *Carey*, ECF No. 1 at ¶ 95; *McMoore*, ECF No. 1 at ¶ 94; *Pettis*, ECF No. 1 at ¶ 94; *Pittman*, ECF No. 1 at ¶ 94;
- ii. Plaintiffs' claim against the defendants in their official capacity alleging censorship of newspapers and magazines;
- iii. Plaintiffs' claim against the defendants in their official capacity alleging that they were restricted access to certain magazines and newspapers;
- iv. Plaintiffs' claim against the defendants in their official capacity alleging that they have been denied the right to associate with others; and
- v. Plaintiff's claim against the defendants in their official capacity alleging that they have been prohibited from wearing certain clothing.

c. Plaintiffs' Third Cause of Action: Unreasonable Searches and Seizures, **EXCEPT—**

- i. Plaintiffs' claim against the defendants in their official capacity alleging that their television, ring, and belt have been seized.

d. Plaintiffs' Fourth Cause of Action: Invasion of Privacy.

- e. Plaintiffs' Fifth Cause of Action: Denial of Access to Legal Materials and Counsel, **EXCEPT** –
 - i. Plaintiffs' claim against the defendants in their official capacity alleging that their legal calls are not private and are being monitored by MSOP staff.
- f. Plaintiffs' Sixth Cause of Action: Denial of Liberty.
- g. Plaintiffs' Seventh Cause of Action: Denial of the Right to Religion and Religious Freedom.
- h. Plaintiffs' Eighth Cause of Action: Denial of Less Restrictive Alternative.
- i. Plaintiffs' Tenth Cause of Action: The Right To Be Free from Double Jeopardy.
- j. Plaintiffs' Twelfth Cause of Action: Conspiracy to Deny Due Process in Violation of the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1985(3).
- k. Plaintiffs' Thirteenth Cause of Action: Intentional Infliction of Emotional Distress.
- l. Plaintiffs' Fourteenth Cause of Action: Negligent Infliction of Emotional Distress.
- m. Plaintiffs' Fifteenth Cause of Action: Obligation of Contracts.
- n. Plaintiffs' Sixteenth Cause of Action: Negligent Hiring and Credentialing of Defendants.
- o. Plaintiffs' Eighteenth Cause of Action: Supervisor Liability.

- p. Plaintiffs' Nineteenth Cause of Action: Violation of the Police Powers of the State.
 - q. Plaintiffs' Twentieth Cause of Action: Violation of the Oath of Office.
 - r. Plaintiffs Pettis and Pittman's Twenty-First Cause of Action: Denial of Liberty.
 - s. Plaintiffs Carey and McMoore's Twenty-First Cause of Action: Conspiracy to Place Plaintiff Outside of the Law.
 - t. Plaintiffs' Twenty-Second Cause of Action: Defendants Are in Violation of the 14th Amendment to the United States Constitution and 42 U.S.C. § 1983 In Support of Preventative [sic] Detention.
 - u. Plaintiffs' Twenty-Third Cause of Action: Denial of Health Care and Affordable Housing.
2. The following claims in the Complaints of Plaintiff Carey, (ECF No. 1), Plaintiff McMoore (ECF No. 1), Plaintiff Pettis (ECF No. 1) and Plaintiff Pittman (ECF No. 1) are not dismissed:
- a. Plaintiffs' Ninth Cause of Action: Cruel and Unusual Punishment.
 - b. Plaintiffs' Eleventh Cause of Action: Denial of Due Process.
 - c. Plaintiffs' Seventeenth Cause of Action: Totality of the Conditions.
 - d. Plaintiffs' claim against Defendants Rob Rose and Julie Rose in their individual capacities alleging that they denied them access to the gym as punishment without due process of law. *McMoore*, ECF No. 1 at ¶¶ 65-68;

Carey, ECF No. 1 at ¶¶ 66-69; *Pittman*, ECF No. 1 at ¶¶ 65-68; *Pettis*, ECF No. 1 at ¶¶ 65-68.

- e. The individual capacity claim against Defendant Seth Doe in the Complaint of Plaintiff Carey, (ECF No. 1), alleging that Defendant Seth Doe grabbed him from behind “without provocation” and sprayed him with a chemical irritant in the face “without warning.” *Carey*, ECF No. 1 at ¶¶ 53-55.
3. The Motions for Temporary Restraining Order and Preliminary Injunction of Plaintiff Earl Stephan McMoore, (ECF No. 4), Plaintiff Charles A. Taylor (aka Terrance A. Pettis), (ECF No. 5), and Plaintiff Michael Pittman, (ECF No. 2), are **DENIED WITHOUT PREJUDICE**.
4. The Motions for Declaratory Judgment of Plaintiff Earl Stephan McMoore, (ECF No. 6), Plaintiff Charles A. Taylor (aka Terrance A. Pettis), (ECF No. 4), and Plaintiff Michael Pittman, (ECF No. 3), are **DENIED**.

Date: February 27, 2023

s/Patrick J. Schiltz
The Honorable Patrick J. Schiltz
Chief United States District Court Judge
District of Minnesota