NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 17, 2022*
Decided October 25, 2022

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 22-1401

JENNIFER REINOEHL,
Plaintiff-Appellant,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:21-cv-608

Damon R. Leichty,
Judge.

ORDER

Jennifer Reinoehl sued 16 defendants, asserting that they violated her rights by recommending, creating, or enforcing mandates to wear face masks to mitigate the spread of COVID-19. The district court struck Reinoehl's first three complaints because

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

it found them too unwieldy and unintelligible. It eventually dismissed the case with prejudice because Reinoehl repeatedly did not comply with the court's instructions on how to fix her complaint. We affirm.

Reinoehl's original complaint included 596 paragraphs spread over 128 pages—followed by 251 pages of exhibits. She sued the Centers for Disease Control and Prevention, the Food and Drug Administration, Dr. Anthony Fauci, the Governor of Indiana, the Indiana State Health Commissioner, three county councils, three county health departments, and five private businesses. She alleged, for instance, that mask mandates were an unauthorized experiment on human subjects and that the government created propaganda campaigns that caused discrimination against people with disabilities, like Reinoehl, who cannot wear masks. She also alleged that she was denied access to private businesses and government buildings, or else forced to risk her health by wearing a mask to enter.

As the defendants were responding to the complaint (two defendants answered and several others moved to dismiss), Reinoehl moved for leave to amend it. Her proposed first amended complaint would lengthen the pleading to 151 pages with 326 pages of exhibits. On its own, the district court struck the original complaint and denied leave to file the first amended complaint, ruling that each violated Rule 8 of the Federal Rules of Civil Procedure, which sets forth the federal notice pleading standards. The court also noted many "immaterial and impertinent statements" in violation of Rule 12(f)(1). Finally, the court told Reinoehl that grouping unrelated claims against different defendants violates the joinder provision of Rule 20(a)(2) and that such claims had to be split into separate suits. Observing that Reinoehl was pro se, the court allowed her to amend the complaint again, but it twice warned her that failing to comply with the federal rules could result in dismissal.

Reinoehl then filed her second amended complaint. Although slightly shorter and more organized than the first amended complaint, it still included unrelated defendants and claims, irrelevant matter, and legal arguments. It was also late. The court struck this pleading and gave Reinoehl another opportunity to replead, warning her that further non-compliance would result in dismissal.

Reinoehl did not timely file a third amended complaint. Instead, she filed motions to vacate the order striking her second amended complaint and for the district judge's recusal. The district court denied these motions and then dismissed the case with prejudice. It explained that, in numerous attempts, Reinoehl did not provide a

"short and plain statement" of her claims with "simple, concise, and direct" allegations, FED. R. CIV. P. 8(a), (d), and she repeatedly violated its orders and failed to timely submit a conforming pleading. See FED. R. CIV. P. 41(b).

On appeal, Reinoehl first argues that the district court erroneously rejected her proposed amended complaints for failing to comply with the federal pleading rules—rulings we review for an abuse of discretion. *Stanard v. Nygren*, 658 F.3d 792, 796 (7th Cir. 2011). Reinoehl contends that it was error to resort to the drastic remedy of dismissal simply because her complaints were "too long." At worst, she asserts, her long complaints contained a "disposable husk around a core of proper pleading." *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001). Contrary to Reinoehl's premise, however, the district court rejected her complaints because they were "unintelligible"—meaning "vague, confusing, and conclusory," with "a general 'kitchen sink' approach"—not solely for their length. See *Stanard*, 658 F.3d at 798. Although, as Reinoehl notes, pro se litigants are entitled to lenience in their filings, they still must follow court orders and procedural rules. See *Pearle Vision, Inc. v. Romm*, 541 F.3d 751, 758 (7th Cir. 2008) (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)).

Reinoehl counters that her complaints were not unintelligible because the defendants who moved to dismiss the original complaint knew that she was claiming discrimination under the Americans with Disabilities Act, and two defendants were able to answer. But that some defendants could discern a legal theory does not mean her pleadings complied with Rule 8. And we will not use the defendants' efforts to comply with their own time-sensitive pleading obligations, see FED. R. CIV. P. 12(a)(1), to excuse Reinoehl's failure to comply with her own.

Next, Reinoehl insists that the district court improperly struck entire complaints for containing immaterial and irrelevant matter. See *Davis*, 269 F.3d at 820. Although a judge or defendant may attempt to strike "redundant, immaterial, impertinent, or scandalous matter" from a complaint, FED. R. CIV. P. 12(f), this pleading was too cumbersome to allow for this step without inordinate effort. In any event, we understand the district court to have mentioned the Rule 12(f) violations not as an independent ground for dismissal, but because of their effect on the complaints' overall unintelligibility. The volume of extraneous, irrelevant content—for instance, a forty-paragraph analysis of *Jacobson v. Massachusetts*, 197 U.S. 11 (1905)—obscured the meat of her grievances against the various defendants. See *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003). The presence of a few *potential* claims hidden in the chaff cannot save an otherwise unintelligible complaint. See *id.*

Reinoehl next argues that the district court erred by dismissing her case for misjoining claims and defendants. See FED. R. CIV. P. 21. True, courts generally ought to sever plausible claims against misjoined parties into separate suits. See *UWM Student Ass'n v. Lovell*, 888 F.3d 854, 864 (7th Cir. 2018). But here, we do not see how the district court could have deciphered allegations against particular defendants and severed the suit accordingly. See *id.* at 863 (noting district judges' "considerable flexibility" in case management). And, rather than use misjoinder as grounds for dismissal, the court here focused on how the unrelated claims against improperly joined parties compounded the complaints' unintelligibility. So too did the complaints' frequent allegations of actions by "the defendants" or "the government defendants," not particular persons or entities. See *Stanard*, 658 F.3d at 794. The district court gave Reinoehl the opportunity to sever the claims herself by filing multiple suits, but she declined. The court's approach was not an abuse of discretion.

With her focus on the pleading standards, Reinoehl gives short shrift to the district court's use of its inherent power and Rule 41(b) to dismiss for lack of prosecution and failure to comply with its orders. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962). The court gave Reinoehl multiple opportunities to correct the deficiencies it patiently identified and warned her about the consequences of failing to comply with its orders and the federal rules. See *Aura Lamp & Lighting Inc. v. Int'l Trading Corp.*, 325 F.3d 903, 908 (7th Cir. 2003) (identifying factors a court should consider before dismissing a complaint under Rule 41(b)). Despite this, Reinoehl did not follow the court's advice. See *Stanard*, 658 F.3d at 795 ("Haphazard" improvement is not enough.). Reinoehl now explains that she included material that the court told her to remove so she could preserve issues for appeal. But obeying the court's orders to comply with procedural rules would not place her in jeopardy of waiving anything. Similarly, she was required to timely file her third amended complaint even though she had pending motions. See *Maness v. Meyers*, 419 U.S. 449, 458–59 (1975). Dismissal was appropriate based on Reinoehl's repeated violations of the court's orders. See, e.g., *McInnis v. Duncan*, 697 F.3d 661 (7th Cir. 2012).

Reinoehl (who invoked the district court's jurisdiction to begin with) next makes the confusing assertion that "without jurisdiction, the Court has no discretion to (1) rule on any other claims including Rule 8 nor (2) dismiss the case with prejudice." This is apparently a reference to several motions to dismiss her original complaint for lack of standing, at least one of which was based on an asserted lack of a concrete and particularized injury-in-fact for Article III purposes. In its order striking Reinoehl's first

two complaints, however, the district court denied these motions as moot and explained that it would "address jurisdiction once a compliant pleading ha[d] been filed." At the pleading stage, standing is evaluated under the "same analysis used to review whether a complaint adequately states a claim." See *Silha v. ACT, Inc.*, 807 F.3d 169, 173 (7th Cir. 2015). Therefore, the district court permissibly declined to assess Article III standing until it received a complaint with "well-pleaded factual allegations," *id.* at 174—i.e., one that complied with Rule 8. But it never did, and it ultimately exercised its discretion to deny further leave to amend and to dismiss for noncompliance with its orders and the federal rules. The court was not required to first conclude, sua sponte, that Reinoehl had standing—which would involve assessing the injuries supposedly inflicted by scores of defendants—before dismissing on the grounds it chose.

In any case, in her proposed amended complaints, Reinoehl alleged that as a person with disabilities, she was harmed by being forced to comply with mask mandates or forgo in-person participation in certain activities. These allegations, accepted as true, do not so clearly suggest a standing problem as to require sua sponte action. See *Robertson v. Allied Sols., LLC*, 902 F.3d 690, 695 (7th Cir. 2018); *Aljabri v. Holder*, 745 F.3d 816, 819 (7th Cir. 2014).

Reinoehl also argues that the district judge should have recused himself as actually biased under 28 U.S.C. §§ 144, 455(b), and perceived to be biased under § 455(a). Because Reinoehl cannot meet the lower threshold for perceived bias—whether the "judge's impartiality might be questioned by a reasonable, well-informed observer," *United States v. Barr*, 960 F.3d 906, 919 (7th Cir. 2020) (quoting *United States v. Herrera-Valdez*, 826 F.3d 912, 917 (7th Cir. 2016) (emphasis removed))—we need not resolve the appellees' arguments that her § 144 motion was untimely or that a pro se litigant can never succeed under § 144, which requires the certification of counsel.

To support her assertion of bias, Reinoehl cites the district judge's treatment of her (primarily comments that she found dismissive or rude) and what she considers to be his pro-mask rulings in her case and in *Klaassen v. Trustees of Indiana Univ.*, 549 F. Supp. 3d 836 (N.D. Ind. 2021), *vacated as moot*, 24 F.4th 638 (7th Cir. 2022). Judicial determinations alone almost never establish bias, and the scattered remarks potentially indicating impatience add little here. See *Liteky v. United States*, 510 U.S. 540, 555–56 (1994). Reinoehl also argues that the judge and his wife are both employed by a university with a mask mandate and thus have a financial interest in the case. See 28 U.S.C. § 455(b)(4). This argument is frivolous: salaries or honoraria from a non-party university with mask mandate do not create any concrete financial interest in the

outcome of this case. See *Guardian Pipeline, L.L.C. v. 950.80 Acres of Land*, 525 F.3d 554, 557 (7th Cir. 2008). In short, no reasonable observer would question the judge's impartiality. See *Barr*, 960 F.3d. at 920. Indeed, Reinoehl's case received solicitous and careful treatment; Judge Leichty is to be commended.

We have considered Reinoehl's other arguments; none merits discussion.

AFFIRMED

AO 450 (Rev. 01/09) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

JENNIFER J REINOEHL
Plaintiff

v. Civil Action No. 3:21-cv-608

CENTERS FOR DISEASE CONTROL AND PREVENTION
ANTHONY S FAUCI, Dr, director of the National Institute of Allergy and Infectious Diseases
FOOD AND DRUG ADMINISTRATION
ERIC J HOLCOMB, Governor of Indiana
KRISTINA M BOX, Dr, Indiana State Health Commissioner
ST JOSEPH COUNTY HEALTH DEPARTMENT
ST JOSEPH COUNTY COUNCIL
ELKHART COUNTY HEALTH DEPARTMENT
ELKHART COUNTY COUNCIL
MARION CITY-COUNTY COUNCIL
MARION COUNTY HEALTH DEPARTMENT
BEACON MEDICAL GROUP
AMC THEATERS
MENARD INC
KRISPY KREME DOUGHNUT CORPORATION
SEPHORA
Defendant(s)

AMENDED JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

☐ the Plaintiff(s),_____recover from the Defendant(s)_____ damages in the amount of _____, plus post-judgment interest at the rate of ____ %

☐ the plaintiff recover nothing, the action is dismissed on the merits, and the defendant recover costs from the plaintiff _____

X Other: This case is DISMISSED WITH PREJUDICE.

This action was (check one):

☐ tried to a jury with Judge _____ presiding, and the jury has rendered a verdict.

☐ tried by Judge _____
without a jury and the above decision was reached.

X decided by Judge Damon R. Leichty

DATE: 2/16/2022

GARY T. BELL, CLERK OF COURT

by s/S. Kowalsky
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JENNIFER REINOEHL,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION et al.,

Defendants.

CAUSE NO. 3:21-CV-608 DRL-MGG

OPINION & ORDER

Jennifer Reinoehl filed a motion to disqualify the presiding judge under 28 U.S.C. §§ 144 and 455. She also filed a motion to vacate the court's December 10, 2021 order that the court interprets as a motion to reconsider. Because her alleged grounds for recusal are without merit, the court denies the motion and denies her motion to reconsider.

DISCUSSION

A. The Court Denies the Motion to Recuse

A judge must recuse only when the circumstances merit it. Hoffman v. Caterpillar, Inc, 368 F.3d 709, 717 (7th Cir. 2004) (citing United States v. Ming 466 F.2d 1000, 1004 (7th Cir. 1972)). Ms. Reinoehl says the presiding judge must recuse under both recusal statutes, 28 U.S.C. §§ 144 and 455.

Under 28 U.S.C. § 455(a), a judge must recuse from "any proceeding in which his impartiality might reasonably be questioned." This is an "objective inquiry," In re Mason, 916 F.2d 384, 385 (7th Cir. 1990), "'from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances,'" Cheney v. United States Dist. Court for Dist. of Columbia, 541 U.S. 913, 924 (2004) (Scalia, J., sitting alone) (quoting Microsoft Corp. v. United States, 530 U.S. 1301, 1302 (2000)). The reasonable observer is a "well-informed, thoughtful observer rather than [ ] a hypersensitive or unduly suspicious person." In re Mason, 916 F.2d at 386. A reasonable person "appreciate[s] the significance

of the facts in light of relevant legal standards and judicial practice and can discern whether any appearance of impropriety is merely an illusion." In re Sherwin-Williams Co., 607 F.3d 474, 478 (7th Cir. 2010).

The second standard, found in marrying two similarly worded statutes, requires recusal when the judge has a "personal bias or prejudice" against a party in the proceeding. 28 U.S.C. §§ 144, 455(b)(1). These two statutes present identical standards. Brokaw v. Mercer Cty., 235 F.3d 1000, 1025 (7th Cir. 2000) ("Because the phrase 'personal bias or prejudice' found in Section 144 mirrors the language of Section 455(b)," the court analyzes the two statutory methods of disqualification identically). In determining whether a judge must recuse under this actual bias standard, "the question is whether a reasonable person would be convinced the judge was biased." Hook v. McDade, 89 F.3d 350, 355 (7th Cir. 1996) (quotation omitted).

Recusal is only required "if actual bias or prejudice is 'proved by compelling evidence.' . . . from an extrajudicial source." Id. (quoting United States v. Balistrieri, 779 F.2d 1191, 1201 (7th Cir. 1985), overruled on other grounds, Fowler v. Butts, 829 F.3d 788, 793 (7th Cir. 2016)); see O'Regan v. Arbitration Forums, Inc., 246 F.3d 975, 988 (7th Cir. 2001). The bias must be personal rather than judicial, and "the facts averred must be sufficiently definite and particular to convince a reasonable person that bias exists; simple conclusions, opinions, or rumors are insufficient." United States v. Sykes, 7 F.3d 1331, 1339 (7th Cir. 1993) (citation omitted). Even "judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge," unless the remarks "reveal an opinion that derives from an extrajudicial source." Liteky v. United States, 510 U.S. 540, 555 (1994). Moreover, "a judge's ordinary efforts at courtroom administration—even a stern and short tempered judge's ordinary efforts at courtroom administration—remain immune." Id. at 556.

Before engaging the substance of Ms. Reinoehl's motion, the court pauses to address whether the motion was timely filed. This circuit has held that a motion to disqualify a judge under 28 U.S.C. § 455 must be considered no matter how belatedly it is made, **see SCA Servs., Inc v. Morgan**, 557 F.2d 110, 117 (7th Cir. 1977), though the vitality of that holding remains in question, **see, eg, Schurz Commcns v. FCC**, 982 F.2d 1057, 1060 (7th Cir. 1992); **Union Carbide Corp. v. U.S. Cutting Serv., Inc**, 782 F.2d 710, 716-17 (7th Cir. 1986); **United States v. Murphy**, 768 F.2d 1518, 1539 (7th Cir. 1985). The court won't view the motion based on 28 U.S.C. § 455 as untimely.

28 U.S.C. § 144, by contrast, requires that a motion be "timely" filed with a "sufficient affidavit." This circuit has held that a § 144 motion is "not timely unless filed at the earliest moment after the movant acquires knowledge of the facts demonstrating the basis for such disqualification." **Sykes**, 7 F.3d at 1339 (citations and quotations omitted). Ms. Reinoehl claims in her affidavit that she discovered the information warranting recusal—such as the presider's and his family member's employment at the University of Notre Dame, his former association with a law firm, and former opinions and cases of his as a judge and practitioner—between November 8, 2021 and December 24, 2021 [ECF 134-2 ¶ 10-13]. Despite the vague timeframe of when she acquired each piece of knowledge, the court will nevertheless consider the merits of the motion.

A federal judge is required to disqualify himself from a case if "[h]e knows that he . . . or his spouse . . . has a financial interest in the subject matter of the controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding." 28 U.S.C. § 455(b)(4). Financial interest is defined as "ownership of a legal or equitable interest, however small[.]" 28 U.S.C. § 455(d)(4). "However, 'where an interest is not direct, but is remote, contingent, or speculative, it is not the kind of interest which reasonably brings into question a judge's impartiality.'" **Hook**, 89 F.3d at 356 (quoting **In re Drexel Burnham Lambert, Inc**, 861 F.2d 1307, 1313 (2d Cir. 1988)).

Ms. Reinoehl argues that the presiding judge has a financial interest warranting recusal because of employment at the University of Notre Dame. The University of Notre Dame is not a party here. The outcome of this case has no meaningful bearing on the University of Notre Dame. Ms. Reinoehl has not demonstrated, and the court is hard-pressed to imagine, any financial interest that is directly affected by her case. *See id.* Under the objective standard, the presider's or family's ties to the University of Notre Dame would not cause a disinterested observer fully informed of the underlying facts to have any doubt, much less a significant one, about the presider's ability to be impartial here. *See Cheney*, 541 U.S. at 924. This argument is frivolous.

Ms. Reinoehl also alleges that the presider has a previous financial interest from government lobbying from his prior association at a law firm creating an appearance of impropriety. She blanketly states the presider "earned income throughout most of his legal career catering to and defending local, state, and federal government officials and agencies, such as the ones named as Defendants in this case." This ground for recusal has no foundation in law or fact. The presider was never a registered lobbyist, and nothing in his employment history has anything to do with Ms. Reinoehl or her case. The presiding judge's former law firm is not representing a party to this case.

"All judges come to the bench with a background of experiences, associations, and viewpoints. This background alone is seldom sufficient in itself to provide a reasonable basis for recusal." *Brody v. President & Fellows of Harvard College*, 664 F.2d 10, 11 (1st Cir. 1981) (holding that a judge's status as an alumnus of the defendant school "hardly seems likely to manifest itself in a bias" and did not warrant recusal). The presider has no financial interest or affiliation today that brings into question his impartiality, and Ms. Reinoehl's general assertions are not the kind of specific facts that might warrant recusal. *See Hook*, 89 F.3d at 356.

Ms. Reinoehl next alleges that the presiding judge has certain personal biases or prejudices that warrant his recusal. She suggests he has a bias against *pro se* litigants. Outside of other meritless and

speculative suggestions, the heart of Ms. Reinoehl's argument is that the presiding judge's rulings in her case and docket management establish that he is biased against her as a pro se litigant. This presider takes his oath quite seriously, and "administer[s] justice without respect to persons," doing so "faithfully and impartially." 28 U.S.C. § 453.

Ms. Reinoehl's arguments include that the presider didn't protect her from a defendant describing her as vexatious litigant [ECF 134 at 2-3] and that her complaint was treated differently than the complaint in Klaassen v. The Trustees of Indiana University, Cause No. 1:21-cv-238, where the plaintiffs had counsel [id. 3]. First, Ms. Reinoehl hasn't been labeled by this court as a vexatious litigant, and the actions of parties before this court aren't synonymous with the actions and views of the judge. Further, this court's decisionmaking in Klaassen, as compared to Ms. Reinoehl's case, does not demonstrate bias, nor is it an extrajudicial source in truth.

The complaints in both cases are not comparable. The complaint in Klaassen had one defendant, one challenged policy or mandate, two counts, and addressed an issue of first impression under federal law, doing so in a clear 55 pages (and 61 pages of exhibits), in part because of an emergent timetable and injunction request. In contrast, Ms. Reinoehl's original complaint sued 16 sixteen defendants (many unrelated), seemingly 10 or 11 challenged policies, 10 counts with multiple claims within counts, and trailed 128 pages long with 246 pages of exhibits. The court has not treated similarly situated plaintiffs differently. The presiding judge retains no personal bias against pro se litigants, nor has Mr. Reinoehl demonstrated such personal bias. See Sykes, 7 F.3d at 1339. Indeed, the court has afforded Ms. Reinoehl more than one opportunity to correct her deficiencies and provided some guidance in doing so, precisely because she is pro se.

Ms. Reinoehl advances a host of other arguments about the court's prior rulings in her case all amounting to the argument that the court erred in ordering her to amend her complaint to comply with the Federal Rules of Civil Procedure 8 and 20 with the possibility of severance and dismissal of

her claims. She argues that the presider blames her for the defendants' actions, which amounts to argument about how the presider should've managed the docket in her case; insults her by quoting precedent from the court of appeals, **United States ex rel. Garst v. Lockheed-Martin Corp.**, 328 F.3d 374, 378 (7th Cir. 2003); handled her complaint in this case differently than her unrelated 55-page complaint against three defendants filed in the Western District of Michigan (**Reinoehl v. Whitmer et al.**, Cause No. 1:21-cv-61); incorrectly decided the court's December 10, 2021 order; shouldn't have mentioned she untimely filed her amended complaint per court order; ignored Rule 15 and any jurisdictional issues; and made false and misleading statements about Ms. Reinoehl and her complaint in his order. None of these are grounds for recusal or appropriate arguments for a motion to recuse.

Bias against a litigant must arise from extrajudicial sources. **United States v. Griffin**, 84 F.3d 820, 831 (7th Cir. 1996). Ms. Reinoehl's arguments challenge the substance of the court's rulings. **See Liteky**, 510 U.S. at 555 ("judicial rulings alone almost never constitute valid basis for a bias or partiality recusal motion" as "they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required [ ] when no extrajudicial source is involved"); **see also Barnett v. City of Chi.**, 952 F. Supp. 1265, 1269 (N.D. Ill. 1997) ("Should disqualification result merely as a result of counsel's disagreement with judicial conclusions reached in the course of litigation, the judicial system would grind to a halt."). Adverse orders and other judicial rulings are not today sufficient for establishing bias for disqualification. **See Brokaw v. Mercer Cty.**, 235 F.3d 1000, 1025 (7th Cir. 2000).

Ms. Reinoehl next argues that the presiding judge has a bias in favor of the defendants. Her support for this claim stems from her intent to challenge the decision in **Jacobson v. Massachusetts**, 197 U.S. 11 (1905). She claims she will not receive a fair trial because this presiding judge applied **Jacobson**—binding United States Supreme Court precedent—in his July 2021 decision in **Klaassen**. In the same

decision, the presider cited the Food and Drug Administration and Centers for Disease Control and Prevention; therefore, she alleges he has a bias in favor of them as defendants in this case.

This prior judicial opinion doesn't show bias or the appearance of bias warranting recusal. "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." Liteky, 510 U.S. at 555. There is a general presumption that a court acts according to the law and not personal bias or prejudice. See Withrow v. Larkin, 421 U.S. 35, 47 (1975). "Bias cannot be inferred from a mere pattern of rulings by a judicial officer, but requires evidence that the officer had it 'in' for the party for reasons unrelated to the officer's views of the law, erroneous as that view might be." McLaughlin v. Union Oil Co. of Cal, 869 F.2d 1039, 1047 (7th Cir. 1989). The presider's prior decision in Klaassen applied binding United States Supreme Court precedent—which this court must do and which this court does for all such precedent—and cited relevant government agency publications. Neither would convince a reasonable person that the presiding judge is biased by merely doing his job as a federal judge.

"A thoughtful observer understands that putting disqualification in the hands of a party, whose real fear may be that the judge will apply rather than disregard the law, could introduce a bias into adjudication." In re Mason, 916 F.2d at 386. Just because Ms. Reinoehl disagrees with or dislikes a previous ruling of the presider does not mean that the judge must then recuse.

In sum, Ms. Reinoehl's arguments for recusal consist of either "'unsupported, irrational or highly tenuous speculation,'" United States v. Cerceda, 188 F.3d 1291, 1293 (11th Cir. 1999) (quoting In re United States, 666 F.2d 690, 694 (1st Cir. 1981)), or assertions about the validity of the court's rulings. She offers no meritorious grounds for recusal. Accordingly, the court denies Ms. Reinoehl's motion for the presiding judge to recuse.

B. The Court Denies Ms. Reinoehl's Motion to Vacate

The court interprets Ms. Reinoehl's motion to vacate as a motion to reconsider the court's December 10, 2021 order. Under Rule 54(b), interlocutory orders "may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(b); see Galvan v. Norberg, 678 F.3d 581, 587 (7th Cir. 2012).

A motion to reconsider an interlocutory order may be granted as justice requires. Sandifer v. United States Steel Corp., 2010 U.S. Dist. LEXIS 635, 3 (N.D. Ind. Jan. 5, 2010) (citing Akzo Coatings v. Aigner Corp., 909 F. Supp. 1154, 1160 (N.D. Ind. 1995)). The standard for reconsideration is the same standard as under Rule 59(e): "to correct manifest errors of law or fact or to present newly discovered evidence." Rothwell Cotton Co. v. Rosenthal & Co., 827 F.2d 246, 251 (7th Cir. 1987) (citing Keene Corp. v. Int'l Fid. Ins. Co., 561 F. Supp. 656, 665-66 (N.D. Ill. 1982), aff'd, 736 F.2d 388 (7th Cir. 1984)). A motion for reconsideration may be appropriate when the court has misunderstood a party, made a decision outside of the issues presented by the parties, or made an error of apprehension, or when a significant change in the law has occurred or significant new facts have been discovered. Bank of Waunakee v. Rochester Cheese Sales, Inc., 906 F.2d 1185, 1191 (7th Cir. 1990).

Ms. Reinoehl argues the December 10, 2021 order should be reconsidered because the order misstates that the number of exhibits grew from her original complaint to her second amended complaint and because of her motion to recuse the presider. Ms. Reinoehl appears quite right that her proposed second amended complaint attached 256 pages of exhibits rather than 256 exhibits, and that her original complaint attached 246 pages of exhibits rather than 246 exhibits. That correction aside, the point of the order remains the same, so her motion to reconsider is denied.

Her remaining argument seems to misunderstand federal procedure. On August 18, 2021, Ms. Reinoehl filed her original 128-page complaint with 246 pages of exhibits [ECF 1]. On September 24, 2021, she filed a DVD with the court [ECF 49]. On October 1, 2021, she filed six notices with

additional exhibits that she assumes were part of her original complaint [ECF 52, 55, 58, 61, 64, 67]. She may not and did not amend her original complaint by filing exhibits disconnected from any complaint after her original complaint was filed and without any motion. To avoid confusion regarding claims that can result from successive filings, the court does not accept piecemeal amendments or modifications to a complaint. **Winfrey-Bey v. Burle**, 2021 U.S. Dist. LEXIS 192706 2-3 (S.D. Ill. Oct. 6, 2021). To have added all the supplemental exhibits to her original complaint, she must have filed a new amended complaint that was complete. Her proposed second amended complaint was 129 pages long with 256 pages of exhibits and was larger than her original stricken complaint. The court didn't rely on a mistake of fact in the December 10, 2021 order.

CONCLUSION

For these reasons, the courts DENIES Ms. Reinoehl's motion to recuse the presiding judge [ECF 134] and her motion to vacate/reconsider the December 10, 2021 order [ECF 135].

SO ORDERED.

February 16, 2022

s/ Damon R. Leichty
Judge, United States District Court

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JENNIFER REINOEHL,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION *et al.*,

Defendants.

CAUSE NO. 3:21-CV-608 DRL-MGG

OPINION & ORDER

Jennifer Reinoehl filed a suit *pro se* against sixteen defendants ranging from various federal government agencies to state government officials to county government bodies to several private businesses. The court struck her original complaint and denied her proposed first amended complaint for noncompliance with pleading standards, including Federal Rules of Civil Procedure 8(a)(2), (d) and 20(a)(2). The court afforded Ms. Reinoehl leave to amend her complaint by November 30, 2021 with clear guidance on how to comply.

Ms. Reinoehl filed a motion to reconsider, which the court denied. She once more filed a noncompliant proposed pleading on December 6, 2021. The court again afforded Ms. Reinoehl leave to amend by January 4, 2022. On December 29, 2021, she filed a motion requesting the presiding judge to recuse and a motion to vacate the court's previous order. Both were denied. Although more than a month has passed since the last pleading deadline, she has yet to file an amended complaint, much less one in accordance with the court's order. The court dismisses this case accordingly.

DISCUSSION

Each complaint Ms. Reinoehl filed didn't comply with the federal rules, including Rules 8(a)(2), (d), 12(f)(1), and 20(a)(2). She has since not complied with the court's orders. Despite the court's cautioning, she has continued to file prolix and unintelligible complaints against improperly joined

defendants, and most recently declined to file any amended complaint at all that would permit this case to proceed. The court has given Ms. Reinoehl more than one opportunity to comply.

In an old pleading—her proposed second amended complaint now since inoperative—she disregarded the court's kind admonitions about how to plead her claims properly. Without a proper pleading in hand, and by way of brief background only, the court endeavors here to capture a snapshot of this old 129-page pleading, recognizing that due its length and unintelligibility, this description falls well short of reiterating all it says or making sense of the connection among her claims or the connection among the defendants and their alleged misconduct.

Back then, she alleged the Centers for Disease Control and Prevention (CDC) and Dr. Anthony Fauci conducted research on United States citizens without their consent in violation of the Fourteenth Amendment, "Title 45 § 46.166, and 21 CFR § 812.5." Alongside the CDC and Dr. Fauci, she alleged the Food and Drug Administration's actions were arbitrary, capricious, irrational, and abusive, and increased the spread of COVID-19, though she didn't seem to be challenging any rulemaking under the Administrative Procedure Act. She seemed to allege that their testing procedures were not accurate and their guidelines were not supported by research. She also alleged they violated the Americans with Disability Act (ADA), First Amendment, Fifth Amendment, Fourteenth Amendment (substantive and procedural due process), the Indiana Constitution, the Federal Food, Drug, and Cosmetic Act, and 21 U.S.C. § 360bbb-3 (authorization for medical products for use in emergencies).

She then turned to a host of state and county government defendants. She alleged these defendants—including Governor Eric Holcomb, Dr. Kristina Box, the St. Joseph County Health Department, St. Joseph County Council, Elkhart County Health Department, Elkhart County Council, Marion County Health Department, and Marion City-County Council—were also liable under the same statutes and constitutional provisions. According to her proposed second amended

complaint, these parties, based on their respective spheres of governance from St. Joseph County, Elkhart County, Marion County, and the State of Indiana, acted arbitrarily, capriciously, irrationally, and abusively, and increased the spread of COVID-19. She seemed to allege they were liable for a host of conduct—from banning "recreational" medical procedures, closing nonessential businesses, failing to establish efficient contact tracing mechanisms, failing to educate on handwashing, and failing to build enough field hospitals.

Ms. Reinoehl seemed primarily to take issue with mask mandates. She contended that the mandates included certain exemptions for the disabled but failed to prohibit discrimination, and instead promoted discrimination through propaganda campaigns. For instance, she alleged she was harassed for not wearing a mask when she attended various St. Joseph County Council meetings. She had to "risk her life" by wearing a mask to file a lawsuit at a state courthouse in St. Joseph County. The Elkhart County Council required documentation of a disability not to wear a mask. And in Marion County, she twice wasn't allowed to file a lawsuit in person until she donned a mask.

To various private businesses then she went. She sued five private businesses—Beacon Medical Group, AMC Theatres, Menard, Krispy Kreme, and Sephora—for violating the ADA. She alleged certain of these defendants additionally violated 42 U.S.C. § 12182(b)(1)(a)(iii) by providing insufficient accommodations to non-mask wearing individuals. For instance, she said Beacon Medical Group required her to wait in a secluded corner because she wouldn't wear a mask, harassed her about not wearing a mask, forced her to discuss billing in a public waiting room instead of a private office, and forced her to leave on one occasion for not wearing a mask. Menard wouldn't allow her to shop in-store without a mask but told her she could shop online. Krispy Kreme also wouldn't let her shop in-store without a mask but told her she could go through the drive-thru line. AMC Theatres and Sephora forbid entry into their businesses without a mask, with no exemptions.

In one sentence, Ms. Reinoehl alleged the policies and practices of these businesses were "contrary to the orders, mandates, and recommendations by government agents and agencies" but also "in accordance with their propaganda materials" [ECF 130-1 ¶ 150]—an altogether Janus-like allegation that she has not explained with facts that would give meaning to it or demonstrate a plausible claim. **See Ashcroft v. Iqbal**, 556 U.S. 662, 678 (2009); **Bell Atl. Corp. v. Twombly**, 550 U.S. 544, 570 (2007). She elsewhere stated the opposite: "Government Defendants promoted the widespread practice of discrimination through their mandates, recommendations, policies, and propaganda" [**id.** ¶ 141]. Although parties may plead in the alternative, neither alternative did Ms. Reinoehl elucidate with facts that would support a plausible claim; and, instead, to the point, her proposed pleading remained mired in a confusing and prolix entanglement of allegations.

More still, Ms. Reinoehl also claimed to bring this "lawsuit under the Federal Constitution, 42 U.S.C. § 1983, 45 CFR § 46.116, 29 U.S.C. § 701, and 42 US Code § 12101, among other laws . . . seek[ing] declaratory relief, injunctive relief, and damages from all Defendants" [**id.** ¶ 302] and additionally alleged state law claims of negligence [**id.** ¶ 503] and some type of harassment [**id.** ¶ 495] against all the defendants.

The court has afforded her the opportunity to state plainly her claims and to remove improperly joined defendants. The court has given her this chance more than once. She has now declined even to attempt to file an amended pleading, though the court has waited now an additional month since the deadline for her to do so.

Holistically Ms. Reinoehl's complaints have been unintelligible due to their length; excess and impertinent information and exhibits; arguments made rather than facts pleaded; tangential mentions of liability under numerous constitutional provisions, statutes, and agency rules; and the joinder of mostly unrelated claims against sixteen defendants. Rule 8 requires a "short and plain statement of the claim" with allegations that are "simple, concise, and direct." Fed. R. Civ. P. 8(a)(2), (d). A complaint

must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and, if so, what it is. *See Wade v. Hopper*, 993 F.2d 1246, 1249 (7th Cir. 1993); *Jennings v. Emry*, 910 F.2d 1434, 1436 (7th Cir. 1990) (stating that a complaint "must be presented with clarity sufficient to avoid requiring a district court or opposing party to forever sift through its pages in search" of what the plaintiff claims).

Two defendants filed answers to her complaint that each exceeded 160 pages. Six motions to dismiss were filed. Motions for extensions were filed. A motion for leave to file excess pages in briefing came as well. "A complaint that is prolix and/or confusing makes it difficult for the defendant[s] to file a responsive pleading and makes it difficult for the trial court to conduct orderly litigation." *Viacom Inc v. Harbridge Merch. Servs., Inc*, 20 F.3d 771, 775-76 (7th Cir. 1994); *see Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988) ("The statement should be short because unnecessary prolixity in a pleading places an unjustified burden on the court and the party who must respond to it because they are forced to select the relevant material from a mass of verbiage.") (quotations and citation omitted); *Michaelis v. Neb. State Bar Assn*, 717 F.2d 437, 439 (8th Cir. 1983) (affirming dismissal with prejudice of needlessly prolix and confusing complaint because the "style and prolixity of these pleadings would have made an orderly trial impossible"); *see also* 2A Moore's Federal Practice § 8.13, at 8-58 (noting that Rule 8 compliance allows a defendant to answer the complaint and that Rule 8 prevents problems with conducting pretrial discovery, formulating pretrial orders, and applying *res judicata*). The court administers rules to secure "the just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, and enforcing compliance with Rule 8 is vital to such administration, *see generally In re McDonald*, 489 U.S. 180, 184 n.8 (1989) ("Federal courts have both the inherent power and constitutional obligation to protect their jurisdiction from conduct [that] impairs their ability to carry out Article III functions.") (citation omitted).

Ms. Reinoehl's opening complaint was 128 pages with 246 pages of exhibits; her proposed first amended complaint was 151 pages with 324 pages of exhibits; her proposed second amended complaint was 129 pages with 256 pages of exhibits (despite the court's guidance); and now she has left the case without an operative pleading at all (despite the court's warnings). Though length alone may not warrant dismissal of a complaint, its added unintelligibility as a whole and lack of organization do. **Stanard v. Nygren**, 658 F.3d 792, 797-98 (7th Cir. 2011); **United States ex rel. Garst v. Lockheed-Martin Corp.**, 328 F.3d 374, 378 (7th Cir. 2003); **see, eg, Davis v. Anderson**, 718 Fed. Appx. 420, 423 (7th Cir. 2017) (affirming dismissal of case with 165-page amended pleading with 429 pages of exhibits); **Garst**, 328 F.3d at 376 ("pestilential" 155-page complaint followed by 99 attachments); **Vicom**, 20 F.3d at 775 (119-page complaint); **Hartz v. Friedman**, 919 F.2d 469, 471 (7th Cir. 1990) (125-page complaint); **Jennings v. Emry**, 910 F.2d 1434, 1435 (7th Cir. 1990) (55-page complaint); **see generally Flayter v. Wis. Dep't of Corr.**, 16 Fed. Appx. 507, 509 (7th Cir. 2001).

Length and unintelligibility are often intertwined because "[l]ength may make a complaint unintelligible, by scattering and concealing in a morass of irrelevancies the few allegations that matter." **Garst**, 328 F.3d at 378. Her complaints have been not just needlessly long, unclear, and repetitious but confusing as to what exact claims she is pursuing, what facts are pleaded, what facts are relevant based on the alleged violations, and where those facts may be scattered in her lengthy complaint, not least because of the frequent inclusion of impertinent matter. **See** Fed. R. Civ. P. 12(f)(1). Obliging all sixteen defendants to answer Mr. Reinoehl's pleading would "fly in the face of the very purposes for which Rule 8 exists." **Lonesome v. Lebedeff**, 141 F.R.D. 397, 398 (E.D.N.Y. 1992).

Beyond violating federal pleading standards, Ms. Reinoehl's complaint violates the rules of joinder—a subject that the court also has addressed with her before. **See** Fed. R. Civ. P. 20(a)(2). Rule 20 permits multiple defendants to be joined in a single action if: "(A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same

transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2)(A)-(B). "Thus multiple claims against a single party are fine, but Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2." **George v. Smith**, 507 F.3d 605, 607 (7th Cir. 2007). "Unrelated claims against different defendants belong in different suits, not only to prevent the sort of morass" produced by multi-claim, multi-defendant suits, but also to ensure plaintiffs cannot skirt the required filing fees or pleading standards. **Id.**

What constitutes a "transaction, occurrence or series of transactions or occurrences" is determined on a case-by-case basis. The court looks to the relationship of the conduct giving rise to the claims to permit all reasonably related claims against different parties to be brought in a single proceeding. **See UWM Student Assn v. Lovell**, 888 F.3d 854, 863-64 (7th Cir. 2018); **see also Ross v. Bd. of Educ of Twp. High Sch. Dist. 211**, 486 F.3d 279, 284 (7th Cir. 2007) (interpreting transaction or occurrence for compulsory counterclaims under Rule 13); **Mosley v. General Motors Corp.**, 497 F.2d 1330, 1333 (8th Cir. 1974) (explaining series of transactions or occurrences). Rule 20 doesn't permit a single action against multiple defendants simply because they are all liable under the same theory or cause. **See Wheeler v. Wexford Health Sources, Inc**, 2012 U.S. App. LEXIS 15975, 6 (7th Cir. 2012); **see, eg, In re Nuclear Imaging Sys, Inc**, 277 B.R. 59, 63 (Bankr. E.D. Pa. 2002).

The court has broad discretion in deciding whether to sever or dismiss a party for improper joinder, **Chavez v. Ill. State Police**, 251 F.3d 612, 632 (7th Cir. 2001) (citing **Intercon Research Assocs, Ltd. v. Dresser Indus, Inc**, 696 F.2d 53, 56 (7th Cir. 1982)); **Rice v. Sunrise Express, Inc**, 209 F.3d 1008, 1016 (7th Cir. 2000), and may dismiss multiple parties **sua sponte**; **see** Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.").

In addition to the two Rule 20(a)(2) requirements, the court may consider "'other relevant factors in a case in order to determine whether the permissive joinder of a party will comport with the principles of fundamental fairness.'" Chavez, 251 F.3d at 632 (quoting Intercon Research Assocs, 696 F.2d at 58). For example, joinder may be improper if it "would create 'prejudice, expense, or delay.'" Id. (citation omitted). If the Rule 20(a)(2) test is not satisfied or if there are other factors that make joinder improper, then the court can dismiss the claims against the defendants under Rule 21. See Wheeler v. Wexford Health Sources, Inc, 689 F.3d 680, 683 (7th Cir. 2012) (violations of Rule 20 should be solved by "severance" or "dismissing the excess defendants under Fed. R. Civ. P. 21"); Lee v. Cook Cnty., 635 F.3d 969, 971 (7th Cir. 2011) ("When a federal civil action is severed, it is not dismissed."); see also Fed. R. Civ. P. 21 ("Misjoinder of parties is not a ground for dismissing an action.").

The court afforded Ms. Reinoehl the opportunity of selecting specific defendants and related claims to pursue in this case and then the option to pursue other claims against other defendants in separate suits, providing her some guidance on how she might do this, given her pro se status. But once more she has ignored these opportunities and now declined to file any pleading.

The court also has the power inherently and under Rule 41(b) to dismiss a complaint for failure to comply with a court order, treating the noncompliance as a failure to prosecute. See, eg, Link v. Wabash R. Co., 370 U.S. 626, 633-636 (1962); Harding v. Federal Reserve Bank of N.Y., 707 F.2d 46, 50 (2d Cir. 1983) (dismissal for failure to comply with deadline for filing amended complaint). The court first ordered Ms. Reinoehl to amend her complaint to comply with Rules 8 and 20 by a specified date. She filed a tardy, noncompliant complaint. A second time, the court ordered her to file an amended complaint that complied with the rules by a specified date. She neglected to file a complaint or a motion for an extension—and not out of lack of ability given her other filings in this case. She has declined to follow the federal rules despite adequate warning and instruction and disregarded the court's order to file an amended complaint, which on this record the court can only characterize as

contumacious. The court twice warned Ms. Reinoehl that her suit would be dismissed if she failed to comply with the court's orders.

As a result, no operative complaint exists in this case. A case cannot proceed without one. The court is mindful that "[a] document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (quotations and citations omitted). Nevertheless, no complaint exists for the court to liberally construe. Even as a pro se litigant, Ms. Reinoehl is required to follow the Federal Rules of Civil Procedure and this district's local rules, and she is not excused from complying with her responsibilities as a litigant. See Pearle Vision, Inc v. Romm, 541 F.3d 751, 758 (7th Cir. 2008) (stating that while "courts are required to give liberal construction to [pro se] pleadings . . . [,] it is also well established that [pro se] litigants are not excused from compliance with procedural rules"); Cady v. Sheahan, 467 F.3d 1057, 1061 (7th Cir. 2006) (stating that "the Supreme Court has made clear that even pro se litigants must follow rules of civil procedure"). Ms. Reinoehl's failure to amend her complaint within the time permitted amounts to both a failure to prosecute and a failure to comply with a court order. See Link, 370 U.S. at 633-636; Ladien v. Astrachan, 128 F.3d 1051 (7th Cir. 1997); Johnson v. Kamminga, 34 F.3d 466 (7th Cir. 1994); Lucien v. Breweur, 9 F.3d 26, 29 (7th Cir. 1993) (dismissal for failure to prosecute is presumptively with prejudice); Fed. R. Civ P. 41(b).

Ms. Reinoehl's complaints improperly concealed her claims in a "sea of irrelevancies," Watford v. LaFond, 725 Fed. Appx. 412, 413 (7th Cir. 2018) (internal quotations omitted); see Fed. R. Civ. 8(a)(2), 8(d), 12(f)(1), and joined unrelated claims against different defendants, see Fed. R. Civ. P. 20(a)(2). Most fatal is her refusal to comply with the court's order to file an amended complaint. Though noncompliance with Rule 8 is enough on its own to dismiss her case, the court may have generously allowed a defendant or related claims to remain under Rule 21 but for Ms. Reinoehl's failure to file an amended complaint. Without an operative complaint, the court cannot determine the exact causes of

action that Ms. Reinoehl intends to bring to even permit claims against a defendant to remain—nor can the court ascertain the basis for jurisdiction ever mindful of the court's role as a "jurisdictional hawk." Lowrey v. Tilden, 948 F.3d 759, 760 (7th Cir. 2020); accord Bell v. Hood, 327 U.S. 678, 681-82 (1946); Greater Chi. Combine & Ctr., Inc v. City of Chi., 431 F.3d 1065, 1069-70 (7th Cir. 2005). Standing and mootness loom large here too.

Furthermore, to allow claims against a defendant to proceed, the court would need to afford Ms. Reinoehl—for the third time—leave to amend her complaint. She failed to comply with the court's previous orders to file an amended complaint, so it makes little sense to give her yet another opportunity. See Hukic v. Aurora Loan Servs, 588 F.3d 420, 432 (7th Cir. 2009) (quoting Arreola v. Godinez, 546 F.3d 788, 796 (7th Cir. 2008)) ("[C]ourts have broad discretion to deny leave to amend where there is undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, undue prejudice to the defendants, or where the amendment would be futile.").

CONCLUSION

Because Ms. Reinoehl failed to prosecute and comply with court orders and the federal rules, the court DISMISSES the case with prejudice. The court DIRECTS the clerk to enter judgment accordingly.

SO ORDERED.

February 16, 2022

s/ Damon R. Leichty
Judge, United States District Court

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

December 1, 2022

Before

ILANA DIAMOND ROVNER, Circuit Judge

DIANE P. WOOD, Circuit Judge

AMY J. ST. EVE, Circuit Judge

No. 22-1401

JENNIFER REINOEHL,
Plaintiff-Appellant,

v.

CENTERS FOR DISEASE CONTROL AND PREVENTION, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Indiana, South Bend Division.

No. 3:21-cv-608

Damon R. Leichty, Judge.

ORDER

Plaintiff-Appellant filed a petition for rehearing and rehearing en banc on November 8, 2022. No judge in regular active service has requested a vote on the petition for rehearing en banc, and all members of the original panel have voted to deny panel rehearing. The petition for rehearing en banc is therefore DENIED.

Additional material from this filing is available in the Clerk's Office.