

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Alfred W. Comer, Jr. v. Frazier

Comer v. Frazier · No. 3:23-CV-136-PPS · Decided December 8, 2025

SUMMARY

The United States District Court for the Northern District of Indiana denied Alfred W. Comer, Jr.'s motion for reconsideration of summary judgment entered in favor of Food Service Manager Shamika Frazier. The court held that Comer merely reasserted arguments and evidence previously considered and did not challenge the alternative basis that Frazier had shown he would have been fired regardless of any retaliatory motive.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	December 8, 2025
DOCKET	3:23-CV-136-PPS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff Alfred W. Comer, Jr., a prisoner proceeding without counsel, moved for reconsideration of the court's order granting summary judgment to Food Service Manager Shamika Frazier in an individual-capacity First Amendment retaliation action.
STANDARD OF REVIEW	A motion for reconsideration is not an appropriate vehicle for rehashing previously rejected arguments or presenting matters that could have been raised during the prior motion. Summary judgment remains proper where an independent, unchallenged basis supports the judgment.
PRECEDENTIAL VALUE	nonprecedential district court opinion

TOPICS

- motion for reconsideration
- summary judgment
- first amendment
- section 1983
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Comer established a valid basis for reconsideration by relying on evidence and arguments that the court had already considered when granting summary judgment.
2. Whether reconsideration was warranted when the prior summary judgment order rested alternatively on the unchallenged conclusion that Comer would have been fired regardless of any retaliatory motive.

HOLDINGS

1. Reconsideration was not warranted because Comer merely rehashed evidence and arguments that the court had already considered and addressed in its summary judgment order.
2. Reconsideration was unwarranted because, even assuming sufficient evidence of causation, summary judgment remained proper on the unchallenged alternative ground that Comer would have been fired regardless of any improper motive.

KEY QUOTATIONS

“Reconsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion” (DE 214 at 1-4)

“Food Service Manager Frazier had provided non-pretextual evidence showing Comer would have been fired from the WCF kitchen regardless of any bad motive.” (DE 210)

FACTUAL BACKGROUND

Comer, a prisoner, worked in the production kitchen at WCF until Food Service Manager Shamika Frazier fired him on March 25, 2023. He alleged that the firing was retaliation for a January 2 grievance concerning Frazier, in violation of the First Amendment. In support of reconsideration, Comer relied on the timing of the firing and an Evaluation and Job Performance Report completed by Frazier.

PROCEDURAL HISTORY

Comer alleged that Frazier fired him from his prison kitchen job in retaliation for a grievance he filed against her. The court previously granted Frazier summary judgment, finding insufficient evidence of causation and, alternatively, non-pretextual evidence that Comer would have been fired regardless of retaliatory motive. Comer moved for reconsideration, arguing that the timing of his firing and an evaluation report established causation. The court denied reconsideration because the evidence and arguments had already been considered and because Comer did not challenge the independent alternative basis for summary judgment.

DISPOSITION

other

CASES CITED

- Caisse Nationale de Credit Agricole v. CBI Industries, Inc., 90 F.3d 1264, 1270 (7th Cir. 1996)
- King v. Ford Motor Co., 872 F.3d 833, 838-39 (7th Cir. 2017)

OPINION

Comer

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

ALFRED W. COMER, JR.,

Plaintiff,

v. CAUSE NO. 3:23-CV-136-PPS

FRAZIER,

Defendant.

OPINION AND ORDER

Alfred W. Comer, Jr., a prisoner without a lawyer, moves the Court for reconsideration of its order granting summary judgment in favor of the defendants. [DE 214]. Comer was proceeding in this case against Food Service Manager Shamika Frazier “in her individual capacity for compensatory and punitive damages for firing him from his job in the production kitchen on March 25, 2023, in retaliation for filing a grievance about her, in violation of the First Amendment[.]” [DE 58 at 8]. The Court granted summary judgment in favor of Food Service Manager Frazier after concluding that: (1) Comer had not provided sufficient evidence of a causal link between his filing of his January 2 grievance and his firing from the WCF kitchen; and, regardless, (2) Food Service Manager Frazier had provided non-pretextual evidence showing Comer would have been fired from the WCF kitchen regardless of any bad motive. [DE 210]. In his motion for reconsideration, Comer argues there was sufficient evidence of a causal link between his filing of his January 2 grievance and his firing from the WCF kitchen because the timing of his firing was suspicious, and he submitted evidence including an “Evaluation and Job Performance Report” completed by Food Service Manager Frazier. [DE 214 at 1-4]. This is not a valid basis for reconsideration, as the Court already considered and addressed this evidence in its order granting summary judgment. [See DE 210]; *Caisse Nationale de Credit Agricole v. CBI Industries, Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996) (“Reconsideration is not an appropriate forum for rehashing previously rejected arguments or arguing matters that could have been heard during the pendency of the previous motion”); *King v. Ford Motor Co.*, 872 F.3d 833, 838–39 (7th Cir. 2017) (arguments which “could have been submitted along with [the] response to the motion for summary judgment [are] not properly presented for the first time in a motion for reconsideration”). Moreover, even if Comer had provided sufficient evidence of a causal connection, the Court granted summary judgment on the alternative basis that Food Service Manager Frazier had provided non-pretextual evidence

showing Comer would have been fired from the WCF kitchen regardless of any bad motive. Because Comer does not challenge this conclusion in his motion for reconsideration, summary judgment remains proper in favor of Food Service Manager Frazier. For these reasons, Comer's motion to reconsider [DE 214] is DENIED. SO ORDERED on December 8, 2025. /s/ Philip P. Simon

PHILIP P. SIMON, JUDGE

UNITED STATES DISTRICT COURT