

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Madeline Krasno v. Jennifer Mnookin, Charles Hoslet, John Lucas,
Mike Klein, and Nate Moll

Krasno · No. 21-cv-99-wmc · Decided December 16, 2025

SUMMARY

On remand from the Seventh Circuit, the district court entered declaratory judgment for Madeline Krasno on her First Amendment free-speech claim concerning the University of Wisconsin-Madison’s social-media off-topic comment rule. The court denied permanent injunctive relief, concluding that declaratory relief was sufficient in light of defendants’ representations that they would revise their practices. The court entered judgment for defendants on Krasno’s First Amendment petition-clause claim and set deadlines for briefing her request for attorneys’ fees and costs.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 16, 2025
DOCKET	21-cv-99-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Post-remand proceedings concerning entry of final declaratory and injunctive relief after the Seventh Circuit reversed summary judgment for defendants on plaintiff's as-applied First Amendment free-speech claim.
STANDARD OF REVIEW	The decision whether to issue an injunction in addition to declaratory relief is generally committed to the district court's discretion.
PRECEDENTIAL VALUE	unknown

TOPICS

- free speech
- first amendment
- declaratory judgment
- injunctions
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a permanent injunction was necessary in addition to declaratory relief after the Seventh Circuit held that the university's off-topic comment rule violated plaintiff's First Amendment free-speech rights.
2. What declaratory relief should be entered on remand.
3. Whether the prior judgment for defendants on plaintiff's First Amendment petition-clause claim remained in effect.

HOLDINGS

1. A permanent injunction was unnecessary because declaratory relief sufficiently addressed plaintiff's established First Amendment injury, defendants had disavowed future application of the challenged practices absent revision consistent with the Seventh Circuit's instructions, and an injunction would be difficult to define and enforce without improperly restricting legitimate moderation of off-topic comments.
2. The University of Wisconsin-Madison's social-media off-topic comment rule, as implemented against Krasno, violated her First Amendment right to free speech by discriminating against her anti-animal-testing and pro-animal-rights viewpoint.
3. The prior judgment for defendants on plaintiff's First Amendment right-to-petition claim remained in effect because plaintiff did not appeal that ruling and the Seventh Circuit did not address it.

KEY QUOTATIONS

“objective, workable standards” (148 F.4th at 485-486)

“If the entry of a regulatory injunction can be avoided by a simpler declaratory judgment, everyone comes out ahead.” (Opinion and Order, I)

“For now, however, a declaratory judgment suffices.” (Opinion and Order, I)

FACTUAL BACKGROUND

Madeline Krasno advocated for humane treatment of animals and commented on University of Wisconsin-Madison Instagram and Facebook posts concerning alleged animal abuse in university primate-testing facilities. The university used an off-topic comment rule, keyword filters, and manual moderation to restrict or hide some of Krasno's comments. The Seventh Circuit determined that the rule, as written and applied to Krasno, was insufficiently defined and discriminated against her anti-animal-testing and pro-animal-rights viewpoint.

PROCEDURAL HISTORY

The district court originally granted defendants summary judgment on plaintiff's claims concerning moderation of her comments on University of Wisconsin-Madison social-media accounts. The Seventh Circuit reversed as to plaintiff's as-applied challenge to the university's off-topic comment rule and remanded with instructions to enter judgment for plaintiff consistent with its opinion. On remand, the parties disputed the scope of declaratory and

injunctive relief; the district court entered declaratory judgment for plaintiff on the free-speech claim, denied a permanent injunction, entered judgment for defendants on the petition-clause claim, and set a schedule for plaintiff's attorneys' fees request.

DISPOSITION

other

REMAND INSTRUCTIONS

Enter amended judgment declaring that the university's social-media off-topic comment rule, as implemented against Krasno, violated her First Amendment free-speech rights; deny a permanent injunction; enter judgment for defendants on the First Amendment petition-clause claim; and consider plaintiff's forthcoming motion for attorneys' fees and costs before entering final judgment.

CASES CITED

- Krasno v. Mnookin, 148 F.4th 465 (7th Cir. 2025)
- Badger Catholic, Inc. v. Walsh, 620 F.3d 775, 782 (7th Cir. 2010)
- Steffel v. Thompson, 415 U.S. 452, 466-471 (1974)
- eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388 (2006)
- One Wisconsin Now v. Kremer, Case No. 17-cv-820-wmc, 2019 WL 2162231, at *1 (W.D. Wis. May 17, 2019)
- Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 74 (2001)
- City of Mesquite v. Aladdin's Castle, Inc., 455 U.S. 283, 289 (1982)
- Brown v. Kemp, 86 F.4th 745, 769 (7th Cir. 2023)
- Davison v. Randall, 912 F.3d 666, 679 (4th Cir. 2019)
- Horne v. Flores, 557 U.S. 433, 449 (2009)
- Knight First Amendment Inst. at Columbia Univ. v. Trump, 302 F. Supp. 3d 541, 579 (S.D.N.Y. 2018)

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