

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Nate Lindell v. Peter Moreno, Jennifer Fandel, Michael Glass,
Nathan Kennedy, and Anthony Churchill

Lindell v. Moreno · No. 23-cv-811-jdp · Decided March 13, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin granted summary judgment to the corrections and University of Wisconsin defendants in Nate Lindell’s First Amendment retaliation action. The court held that defendants had legitimate, non-retaliatory reasons for removing Lindell from educational programming, restricting his contact with staff, and maintaining his exclusion from portions of the education building, and that Lindell lacked sufficient evidence of pretext or causation. The court also denied or resolved the remaining motions, directed entry of judgment, and closed the case.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 13, 2026
DOCKET	23-cv-811-jdp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a Wisconsin prisoner proceeding without counsel, brought First Amendment retaliation claims against Wisconsin Department of Corrections and University of Wisconsin employees. The defendants moved for summary judgment, and the plaintiff filed motions concerning sanctions, additional evidence, a sur-reply, discovery, and injunctive relief.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. At summary judgment, the nonmoving party must point to evidence from which a reasonable jury could find in its favor; speculation or conjecture is insufficient. For a prison-retaliation claim,

the plaintiff must provide evidence that the defendants' legitimate, non-retaliatory reasons were pretextual or dishonest.

PRECEDENTIAL VALUE

Unpublished federal district court opinion; persuasive value only.

TOPICS

first amendment

summary judgment

civil rights

prisoners rights

discovery dispute

PRACTICE AREAS

Civil rights

Prisoner civil rights

Constitutional law

Federal civil procedure

QUESTIONS PRESENTED

1. Whether defendants' removal of Lindell from the Odyssey Beyond Bars program and editorial group was unlawful First Amendment retaliation.
2. Whether defendants' restrictions on Lindell's communications with educational staff and access to the education building were unlawful First Amendment retaliation.
3. Whether alleged statements that Fandel wanted a restraining order supported a First Amendment retaliation claim.
4. Whether Kennedy's alleged communications with Madison Area Technical College staff about Lindell's grievances and threat to sue supported a First Amendment retaliation claim.
5. Whether Lindell was entitled to injunctive relief concerning his participation in educational programming.

HOLDINGS

1. Summary judgment was proper because Lindell failed to produce evidence from which a reasonable jury could find that defendants removed him from the program because he complained about harassment. Defendants presented legitimate, non-retaliatory reasons, including their perception that Lindell's conduct and messages created safety or classroom-management concerns, and Lindell did not show those reasons were pretextual or dishonest.
2. Summary judgment was proper because defendants had a legitimate reason to limit Lindell's contact with Fandel, and the record contained no evidence from which a reasonable jury could find that the restrictions were imposed in retaliation for Lindell's complaints.
3. Even assuming defendants made the alleged statements, the statements did not support a retaliation claim because Lindell did not explain how they would deter a person of ordinary firmness from making future complaints, and the statements did not cause the restrictions imposed on him.
4. Summary judgment was proper because Lindell offered no evidence that Kennedy urged MATC officials to disregard Lindell's complaints or that MATC officials took adverse action against him because of Kennedy's statements.

5. Lindell was not entitled to injunctive relief because the court granted summary judgment on all of his underlying retaliation claims.

KEY QUOTATIONS

“To win a First Amendment retaliation claim, a plaintiff must show that: (1) he engaged in activity protected by the First Amendment; (2) the defendant took actions that would deter a person of “ordinary firmness” from engaging in the protected activity; and (3) the First Amendment activity was at least a “motivating factor” in the defendant’s decision to take those actions.” (Analysis § A)

“But even if that is true, violation of a prison regulation in itself doesn’t violate the Constitution.” (Analysis § D)

FACTUAL BACKGROUND

Lindell, a Wisconsin prisoner, participated in an educational program operated at Columbia Correctional Institution by the University of Wisconsin. He complained to teacher Jennifer Fandel about another inmate's allegedly harassing and offensive conduct, including remarks and an unwanted hug. After a later interaction that Fandel perceived as a hostile look and after Lindell's messages referenced serious consequences and possible legal action, defendants removed Lindell from the program, restricted his communications with educational staff, and barred him from the education building while Fandel was present. Lindell alleged that these actions, statements concerning a possible restraining order, and communications with Madison Area Technical College staff were retaliation for his complaints, but the court found insufficient evidence connecting the challenged actions to protected activity or showing pretext.

PROCEDURAL HISTORY

The case was pending in the Western District of Wisconsin after removal from state court. Following completion of summary judgment briefing, the court permitted plaintiff to submit additional evidence and a sur-reply, but concluded that the new materials did not affect the merits. The court granted defendants' motions for summary judgment on all retaliation claims, denied the remaining motions except for the motions to submit additional evidence and the sur-reply, and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Bridges v. Gilbert, 557 F.3d 541, 546 (7th Cir.)
- Babcock v. White, 102 F.3d 267, 275 (7th Cir.)
- Holleman v. Zatecky, 951 F.3d 873, 880 (7th Cir.)
- Manuel v. Nalley, 966 F.3d 678, 680 (7th Cir.)
- Stone v. City of Indianapolis Pub. Utils. Div., 281 F.3d 640, 644
- Heffernan v. City of Paterson, 578 U.S. 266, 272 (2016)

- Pulera v. Sarzant, 966 F.3d 540, 551 (7th Cir.)
- Beardsall v. CVS Pharmacy, Inc., 953 F.3d 969, 973 (7th Cir.)
- Herzog v. Graphic Packaging Int'l, Inc., 742 F.3d 802, 806 (7th Cir.)
- United States v. Blagojevich, 612 F.3d 558, 559 (7th Cir.)
- Grove Fresh Distributors, Inc. v. Everfresh Juice Co., 24 F.3d 893 (7th Cir.)

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