

ENTERED

August 11, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN J DIERLAM,

§

Plaintiff,

§

VS.

§

JOSEPH R. BIDEN JR., *et al.*,

CIVIL ACTION NO. 4:16-CV-00307

§

Defendants.

§

ORDER

Pending before the Court is Plaintiff's Motion for Summary Judgment. ECF No. 143.

Plaintiff is seeking summary judgment on the retrospective portion of Claim 3 and several forms of prospective relief. Defendant does not oppose Plaintiff's request for a refund in the amount of \$5626.22 for the retrospective portion of Claim 3. ECF No. 144 at 2. Defendant opposes Plaintiff's request for prospective relief. *Id.* at 4.

After considering the Motions, the Parties' briefs, oral arguments, and all applicable law, the Court determines that Plaintiff's Motion for Summary Judgment is **GRANTED** as to the retrospective portion of Claim 3 and **DENIED** as to the extent that it seeks any other relief. The Court finds that Defendant is entitled to retrospective relief in the amount of \$5,626.22 for his past payments of the shared responsibility payment. The Court has already dismissed the prospective portion of Claim 3 and dismissed all other claims in their entirety. ECF No. 136. Therefore, there is no basis for the Court to award prospective relief.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 11th of August, 2023.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE