

**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.*,**

**Defendants.**

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**CIVIL ACTION NO. 4:16-CV-00307**

**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.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is written in a cursive, flowing style with some capitalization.

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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE