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March v. Town of Grand Chute

United States Court of Appeals, Seventh Circuit - August 7, 2026 - F.4th - 2026 WL 2276577

Town administrator brought § 1983 action against town board supervisors and town, alleging First Amendment retaliation for speaking to state law enforcement during criminal investigation of supervisor and Fourteenth Amendment due process violations.

Town supervisor filed counterclaim alleging First Amendment retaliatory prosecution and Equal Protection violations. The United States District Court for the Eastern District of Wisconsin granted summary judgment for defendants on administrator's claims and granted summary judgment to administrator on supervisor's counterclaims. Administrator and supervisor appealed.

The Court of Appeals held that:

- Supervisors were entitled to qualified immunity from administrator's retaliation claim;
- Administrator did not engage in "state action," as required for retaliatory prosecution; and
- Supervisor failed to point to similarly situated comparator, as required for his class-of-one equal protection claim.

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