

2022 WL 16626750

Only the Westlaw citation is currently available.
United States Court of Appeals, Seventh Circuit.

Frank GARRISON and Noel Johnson,
Plaintiffs-Appellants,
v.

DEPARTMENT OF EDUCATION and Miguel A.
Cardona, Secretary of Education,
Defendants-Appellees.

No. 22-2886

|
Filed: 10/28/2022

Appeal from the United States District Court for the
Southern District of Indiana, Indianapolis Division. No.
1:22-cv-01895-RLY-TAB, Richard L. Young, *Judge*.

Attorneys and Law Firms

Caleb Kruckenberg, Attorney, Pacific Legal Foundation,
Arlington, VA, Michael Poon, Attorney, Pacific Legal
Foundation, Sacramento, CA, for Plaintiffs-Appellants.

Sarah Carroll, Robert Charles Merritt, Simon Christopher
Brewer, Courtney Dixon, Attorneys, Department of
Justice, Washington, DC, for Defendants-Appellees.

Before Frank H. Easterbrook, Circuit Judge, Ilana
Diamond Rovner, Circuit Judge, Michael B. Brennan,
Circuit Judge

ORDER

***1** The application for an injunction pending appeal is
denied.

Plaintiffs, who borrowed money to finance their
educations, contend that the federal program for
cancelling student loans is unauthorized. They say that
they do not want their loans cancelled or reduced.
Although cancellation of debt usually is a boon to a
debtor, plaintiffs maintain that it will injure them because
Indiana treats the cancellation of debt as a form of
income, which is subject to tax.

The federal program is not compulsory. Debtors who do
not want their loans reduced or cancelled are free to opt
out. The Department of Education has treated both
plaintiffs as exercising this option. None of their debt will
be cancelled, and they will not be subject to a tax on a
reduction of indebtedness. It follows that the program
does not injure them and that they lack standing to sue.

All Citations

Not Reported in Fed. Rptr., 2022 WL 16626750

End of Document