

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Argued November 3, 2025

Decided December 9, 2025

BeforeMICHAEL B. BRENNAN, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*

No. 25-1575

SCOTT TROOGSTAD, et al.,
*Plaintiffs-Appellants,**v.*CITY OF CHICAGO,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 1:21-cv-05600

Thomas M. Durkin,
*Judge.***ORDER**

In this successive appeal, we consider whether the district court correctly dismissed claims that the City of Chicago's COVID-19 vaccination policy violated certain constitutional rights and a state religious freedom law, as well as whether the court abused its discretion by denying plaintiffs leave to file a fourth amended complaint. We affirm the district court's decisions in each respect.

I. Background

Scott Troogstad was an employee of the City of Chicago Fire Department who previously tested positive for COVID-19. The City promulgated a COVID-19 vaccination policy.¹ Troogstad and more than 130 other plaintiffs (all City employees of the Fire, Water, and Transportation Departments, whom we call “the Troogstad plaintiffs”) filed suit in October 2021 challenging the policy. Although that policy provided a religious exemption, the Troogstad plaintiffs alleged that the denial or lack of approval of their religious exemptions violated the Free Exercise Clause of the First Amendment and the Illinois Religious Freedom Restoration Act (IRFRA), 775 ILCS 35/1 et seq. They also alleged that the policy violated the constitutional right to substantive due process by interfering with their fundamental rights to bodily autonomy and privacy.

This case returns to us for a second time. In *Lukaszczyk v. Cook County*, 47 F.4th 587 (7th Cir. 2022), the Troogstad plaintiffs sued the City of Chicago and the Illinois Governor challenging state and local policies requiring them to be tested for and vaccinated against the COVID-19 virus. The Troogstad case was combined with two others, and we affirmed the denial of preliminary injunctions against those policies. *Id.* at 599–608.² After remand, the district court granted the Troogstad plaintiffs’ motion for leave to file a second amended complaint, in which they alleged various constitutional and state law violations. The City and the Governor moved to dismiss the second amended complaint with prejudice.³ In January 2024 the district court dismissed most of the claims against the City (including for violation of substantive due process) with prejudice, but it dismissed without prejudice those claims alleging the City violated the Free Exercise Clause and IRFRA.

In March 2024, the Troogstad plaintiffs filed a third amended complaint against the City. That pleading included claims of violation of the Free Exercise Clause and IRFRA. The third amended complaint alleged:

¹ Per a November 5, 2025 letter the City filed under Circuit Rule 28(j), that policy is no longer in place.

² One of those companion cases was also the subject of a successive appeal. *See generally Lukaszczyk v. Cook County*, 137 F.4th 671 (7th Cir. 2025). Troogstad was not a party to that appeal.

³ The district court dismissed all claims against the Governor with prejudice in January 2024. That ruling was not appealed.

Troogstad's request for an accommodation stated that he was a Christian and that he opposed the vaccination on the basis of his religion. He further elaborated that the gene-altering aspect of mRNA vaccinations violates his beliefs as a Christian.

DE 89 at 5, ¶ 28.

The City again moved to dismiss. In a September 9, 2024 memorandum opinion and order the district court granted the motion with prejudice. Judgment was entered the same day. The next day the court amended its decision to discuss two then-recent decisions of this court, *Passarella v. Aspirus, Inc.*, 108 F.4th 1005, 1009 (7th Cir. 2024), and *Bube v. Aspirus Hosp., Inc.*, 108 F.4th 1017, 1019 (7th Cir. 2024).

Later in September 2024, the Troogstad plaintiffs asked the district court to vacate or reconsider its dismissal decision under Federal Rule of Civil Procedure 59(e), and they again sought leave to amend their complaint. In March 2025 the court ruled that the Troogstad plaintiffs could amend their complaint in a separate case arising out of the same facts as here (N.D. Ill. 23 C 14881), which alleges violations of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq. But the court denied their motion to amend the complaint in this case.

The Troogstad plaintiffs then appealed the dismissal of three claims: (1) that the denial or lack of approval of their religious exemptions violated the Free Exercise Clause of the First Amendment, (2) violation of IRFRA, and (3) violation of their constitutional right to substantive due process. They also appealed the denial of their motion to amend.

II. Discussion

A. Free Exercise Claim

To state a claim that the Free Exercise Clause of the First Amendment has been violated, a plaintiff must plausibly allege that a government entity burdened a sincere religious practice pursuant to a policy that was not neutral or generally applicable. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 (2022). Our court has held that to plead a religion-based claim related to a vaccination requirement, plaintiffs must plead some facts about their religious beliefs and how those beliefs conflict with the vaccine requirement. See *Passarella*, 108 F.4th at 1005, 1009 (connecting Christian beliefs of sanctity of the human body with objection to potentially harmful effects vaccination),

and Bube, 108 F.4th at 1019 (connecting belief that God created the human body and that taking vaccine would violate those religious beliefs).

Troogstad alleges “the gene-altering aspect of mRNA vaccinations violates his beliefs as a Christian.” But he failed to allege facts about *how* taking the vaccine violated his religious beliefs. He misses that step. This distinguishes his third amended complaint from the pleadings in cases that permit a religious claim to advance. *Passarella*, 108 F.4th at 1009 (“Passarella’s statement connects her objection to vaccination with her Christian beliefs regarding the sanctity of the human body.”); *Bube*, 108 F.4th at 1019 (“We have no trouble concluding that ... these requests are based at least in part on an aspect of the plaintiffs’ religious beliefs.”).

This is not a high standard, but Troogstad has failed to meet it. While the pleading of a violation of the Free Exercise Clause need not be overly exacting, in numerous rounds of pleading, including in the third amended complaint, Troogstad did not move beyond conclusory statements. A complaint need not provide detailed factual allegations; mere conclusions generally will not suffice. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Troogstad’s failure to allege facts about how his religious beliefs as a Christian conflict with the vaccine requirement—after numerous opportunities to satisfy this pleading standard—dooms his Free Exercise claim.

B. IRFRA Claim

Under IRFRA, a government may not substantially burden someone’s exercise of religion unless the government shows that burden furthers a compelling governmental interest and is the least restrictive means to further that interest. 775 ILCS 35/15. This statute’s language mirrors the federal Religious Freedom Restoration Act (RFRA). *See* 42 U.S.C. § 2000bb et seq.

To state such a claim, a plaintiff must identify the religious belief that would be violated if the plaintiff complied with the contested requirement. *Soc’y of the Divine Word v. U.S. Citizenship and Immigr. Servs.*, 129 F.4th 437, 450 (7th Cir. 2025) (RFRA claim). This follows because “we must know what beliefs the claimant contends the regulation offends” in order to evaluate whether that requirement substantially burdens a religious belief. *Id.*

Under the same reasoning as in II.A., Troogstad has not alleged specific beliefs related to his Christian faith offended by the COVID-19 policy. Mere conclusory statements are not enough to survive a motion to dismiss. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Federal Rule of Civil Procedure 8 “does not unlock the doors of

discovery for a plaintiff armed with nothing more than conclusions.” *Id.* at 678–79. A plaintiff must also include some factual support to articulate a religious component to an objection. *See Passarella*, 108 F.4th at 1011. As detailed above, Troogstad’s pleading failed to provide specific facts to support his claim. So, the district court correctly dismissed the IRFRA claim.

C. Substantive Due Process Claim

In the second amended complaint, the Troogstad plaintiffs alleged the City’s COVID-19 policy violates their constitutional right to substantive due process by interfering with their right to bodily autonomy and privacy. They appeal the dismissal of that claim.

We have already analyzed and rejected the contention that a vaccination policy infringes on a fundamental constitutional right, which would implicate strict scrutiny. *Lukaszcyk*, 47 F.4th at 599–602; *see also Klaasen v. Trustees of Ind. Univ.*, 7 F.4th 592, 593–94 (7th Cir. 2021). Other circuits agree. *See, e.g., Children’s Health Def., Inc. v. Rutgers, The State Univ. of N.J.*, 93 F.4th 66, 80 (3d Cir. 2024) (holding that there is no constitutional right to refuse vaccination); *Norris v. Stanley*, 73 F.4th 431, 435–36 (6th Cir. 2023) (upholding university’s COVID-19 vaccine policy under rational basis review).

And we have concluded that the Troogstad plaintiffs “have not met their burden under the rational basis standard to show that the challenged policies violate their substantive due process rights.” *Lukaszcyk*, 47 F.4th at 603. None of plaintiffs’ arguments, which repeat contentions we have already denied, persuade us to revisit our previous reasoning and conclusions.

D. Leave to Amend Pleadings

The Federal Rules of Civil Procedure state that outside of one amendment as a matter of course, “a party may amend its pleading ... with the court’s leave. The Court shall freely give leave when justice so requires.” FED. R. CIV. P. 15(a)(2).

The Troogstad plaintiffs have had numerous opportunities to amend and supplement their pleadings, but they have not done so. In our 2022 decision resolving the appeal of the denial of a preliminary injunction, we noted that plaintiffs need to show “how the religious exemption [to the City’s COVID-19 policy] is applied in practice.” *Lukaszcyk*, 47 F.4th at 607. The Troogstad plaintiffs’ second amended complaint was dismissed for failure to include such allegations. And the third amended complaint continued to lack information about how Troogstad’s religious beliefs

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conflicted with the COVID-19 policy, as the district court recognized in its September 2024 rulings. Outside of his pleadings, Troogstad said he knew that his sincere religious beliefs conflicted with that policy. For example, his September 2024 motion to reconsider the district court's decision included the full text of his religious exemption request. Inexplicably, that information was not included in any of his complaints. So, the district court was within its discretion to deny leave to amend yet again.

The district court's decision to grant leave to amend in a *different* case filed two years after this one—alleging violation of Title VII for failure to provide a religious accommodation (N.D. Ill. No. 1:23-cv-05600)—has no effect on the amendment of pleadings in *this* case. The Title VII case was first dismissed after the filing of only one complaint. But that case is in a different procedural posture. Here, the Troogstad plaintiffs had numerous chances to plead specific facts to state an as-applied religious claim. Simply put, the Title VII case is not a vehicle to amend the pleadings in this case.

* * *

While the Troogstad plaintiffs may continue with their Title VII claims against the City in a different case not before us in this appeal, the district court properly dismissed with prejudice their constitutional and state statutory claims here. Further, the court did not abuse its discretion in denying leave to file a fourth amended complaint.

AFFIRMED.