

NONPRECEDENTIAL DISPOSITION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**

Submitted May 26, 2026*

Decided May 28, 2026

BeforeAMY J. ST. EVE, *Circuit Judge*CANDACE JACKSON-AKIWUMI, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 25-1865

JOHN R. ZEMATER, JR.,
*Plaintiff-Appellant,**v.*PUBLIC ACTION TO DELIVER
SHELTER, INC., d/b/a HESED HOUSE,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 22 CV 6712

Jeremy C. Daniel,
*Judge.***ORDER**

John Zemater sued a homeless shelter, Public Action to Deliver Shelter, Inc. (d/b/a Hesed House), alleging it discriminated against him by enforcing its 7:00am wake-up policy despite his self-diagnosed sleep disorder. This, he claimed, violated the Americans with Disabilities Act, 42 U.S.C. § 12132, the Rehabilitation Act, 29 U.S.C.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

§ 794, and the Illinois Human Rights Act, 775 ILCS 5/1-102. The district court granted Hesed House's motion to dismiss Zemater's third amended complaint. We affirm.

We recite the facts as alleged, drawing all reasonable inferences in Zemater's favor. *Wilson v. Castaneda*, 143 F.4th 814, 817 (7th Cir. 2025). Zemater was a temporary resident of Hesed House's men's homeless shelter. The shelter had a wake-up time of 7:00am so that employees could sweep and mop the dormitory floors. Hesed House provided an exception to the policy for those who provided documentation from a doctor or employer supporting a need to sleep during the day, allowing them to sleep in a separate, smaller dormitory. Zemater had previously been afforded this exception on several occasions, including when he had strep throat and after he received the COVID-19 booster vaccination.

Zemater sought an exception to the policy because he "suspect[ed]" that he had "Delayed Sleep Phase Disorder." He alleged he "fit the profile" of a person with this disorder because he has always been a "night person" and has a "pattern" of sleeping from 2:00am to 10:00am "most of the time." He stated that it was "very difficult" for him to wake up at 7:00am, and that when he does, he is drowsy and cannot function well. He acknowledged he had not seen a doctor, but he claimed he was able to diagnose himself with a sleep disorder based on his research and that a diagnosis or treatment was not necessary because he did not work morning hours.

A case manager at Hesed House denied Zemater an exception to the policy because he had not provided a note from a doctor or employer. The case manager told him he either had to wake up at 7:00am or find another place to live. Zemater alleged that Hesed House could easily accommodate a later wake-up time for him without undue hardship but chose not to accommodate him. Zemater alleged that he suffered negative health consequences, such as getting only five to six hours of sleep per night instead of his usual eight to nine hours, as a result. He further alleged that he fell asleep involuntarily during the day due to sleep deprivation: once at the public library and once while sitting in his car.

In 2022, Zemater sued Hesed House under Titles II and III of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132, the Rehabilitation Act, 29 U.S.C. § 794, and the Illinois Human Rights Act (IHRA), 775 ILCS 5/1-102. After years of pretrial litigation during which two complaints were dismissed, Zemater filed a third amended complaint—the operative complaint for this appeal. Shortly thereafter, Zemater moved for leave to amend the complaint a fourth time. He sought to add a retaliation claim

because Hesed House had recently told him that he was no longer welcome at the shelter. *See* 42 U.S.C. § 12203.

The district court dismissed Zemater's third amended complaint for failure to state a claim. The court concluded, in relevant part, that Zemater had not plausibly alleged a disability because his allegations that he had a sleep disorder based on his perceived pattern of sleeping from 2:00am to 10:00am were "non-verified" and speculative. Even if it were a disability, requiring a doctor's note was a reasonable condition to providing an accommodation and nothing suggested that Zemater's alleged condition was so "obvious[ly]" disabling that a doctor's note was unnecessary.

The district court also denied Zemater leave to file a fourth amended complaint. The court reasoned that the new claim of retaliation was unrelated to the original claims regarding the wake-up policy and was consistent with a dilatory motive, observing that Zemater moved to amend his complaint each time Hesed House moved to dismiss. Further, the court explained, allowing Zemater to amend his complaint yet again would be unduly prejudicial to Hesed House, which had already filed four motions to dismiss, and Zemater himself alleged that the shelter was at risk of shutting down because of the costs from three years of litigation.

While the suit was pending, Hesed House relocated and, as part of its relocation, directed all residents to remove their cars from the parking lot that it no longer operated. Zemater moved for sanctions, accusing the shelter of retaliating against him by ordering him to move his inoperable car. The district court denied the motion. The court later learned that Zemater had been contacting Hesed House's executive director about the case and ordered him to communicate about the litigation with only defense counsel.

Zemater appeals, arguing that his disability is sufficiently obvious that the shelter was required to accommodate his condition without further support from a doctor. To avoid dismissal, he needed to plausibly allege that he has a disability as defined by the IHRA, ADA, or Rehabilitation Act. We analyze claims under each act using the same framework. *Tate v. Dart*, 51 F.4th 789, 793 (7th Cir. 2022); *Wagoner v. Lemmon*, 778 F.3d 586, 592 (7th Cir. 2015). Each of the acts requires the plaintiff to have "a physical or mental impairment," 42 U.S.C. § 12102(1)(A), that "substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population." *E.E.O.C. v. Charter Commc'ns, LLC*, 75 F.4th 729, 733–34

(7th Cir. 2023) (quoting 29 C.F.R. § 1630.2(j)(1)(ii)); *Burks v. Wis. Dep't of Transp.*, 464 F.3d 744, 755 (7th Cir. 2006) (same for Rehabilitation Act).[†]

We agree with the district court that Zemater did not plausibly allege that his purported sleep disorder is a disability. Although sleeping is a “major life activity,” Zemater’s allegation that he is only getting five to six hours of sleep instead of eight to nine hours does not suggest a substantial limitation compared to the general population. *See Squibb v. Mem’l Med. Ctr.*, 497 F.3d 775, 784 (7th Cir. 2007) (holding that inability to sleep more than three to four hours per night was not a disability); *Burks*, 464 F.3d at 757 (same). That Zemater self-diagnoses his trouble sleeping as a medical disorder makes no difference. *See Squibb*, 497 F.3d at 784 (highlighting lack of medical evidence to suggest that “generalized assertions” about sleep issues did not establish a legal disability); *Burks*, 464 F.3d at 757 (same). Neither does Zemater plausibly allege that his sleep patterns substantially limit his ability to work generally—he alleged that he does not work morning hours.

Even if Zemater had plausibly alleged a disability, Hesed House offered him the reasonable accommodation of a separate sleeping area with a later wake-up time so long as he provided a doctor’s note. It is permissible to request such a note. *See, e.g., Rowlands v. United Parcel Serv. – Fort Wayne*, 901 F.3d 792, 801 (7th Cir. 2018). Although some disabilities are so obvious as to require accommodation without a doctor’s note, Zemater’s self-diagnosed sleep disorder is not one of them. *See Hedberg v. Ind. Bell Tel. Co., Inc.*, 47 F.3d 928, 932, 934 (7th Cir. 1995) (suggesting that having frequent seizures, or being in a wheelchair, were obvious disabilities).

Zemater also argues that the district court abused its discretion in denying him leave to amend his complaint for a fourth time. He sought to add a retaliation claim and argues he could not have done so earlier because the retaliation was recent. But we see no abuse of discretion. The court gave various valid reasons, including that Zemater was seeking to delay the litigation by adding new claims each time Hesed House moved to dismiss and that further amendment would have unduly prejudiced the defendants, who had already suffered “significant cost[s]” by challenging Zemater’s

[†] The IHRA defines disability as a “determinable physical or mental characteristic of a person ... which may result from disease, injury, congenital condition of birth or functional disorder.” 775 ILCS 5/1-103(I)(1). The disability must be “significantly debilitating or disfiguring” and it must be “‘determinable’ by recognized clinical or laboratory techniques.” 56 Ill. Admin. Code § 2500.20(b).

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consistently defective complaints for the past three years. *See Airborne Beepers & Video, Inc. v. AT & T Mobility LLC*, 499 F.3d 663, 667 (7th Cir. 2007).

Next, Zemater urges that the district court erred by dismissing with prejudice his claim under the IHRA. He notes that in the court's order dismissing the IHRA claim in his second amended complaint, the court dismissed *without* prejudice for lack of exhaustion. He now asks us to modify the district court's judgment to a dismissal without prejudice on the re-stated IHRA claim in the third amended complaint as well. But the district court did not dismiss the IHRA claim for failure to exhaust this time around. Instead, the court concluded that it failed on the merits. And it did not err in doing so: the court had supplemental jurisdiction over the state-law claim, and it correctly concluded that because Zemater failed to state a claim under the ADA and Rehabilitation Act, he necessarily failed to state a claim under the IHRA as well. *See Golden Years Homestead, Inc. v. Buckland*, 557 F.3d 457, 462 (7th Cir. 2009) (explaining that a district court need not relinquish supplemental jurisdiction when the supplemental claim is clearly meritless); *Tate*, 51 F.4th at 793 (IHRA framework is "practically indistinguishable" from ADA); *M.U. by and through Kelly U. v. Team Ill. Hockey Club, Inc.*, 215 N.E.3d 286, 298 (Ill. App. Ct. 2022) (explaining that the IHRA was patterned after the ADA, and Illinois courts may look to federal ADA cases for guidance in construing the IHRA).

Finally, Zemater challenges the district court's order barring him from communicating directly with the executive director of Hesed House about the case and instructing him to communicate instead with Hesed House's counsel. Zemater asserts this contravenes ABA rules and the First Amendment. But district courts have inherent authority to manage judicial proceedings and regulate the conduct of litigants, and they may impose appropriate sanctions to penalize or discourage misconduct. *Ramirez v. T&H Lemont, Inc.*, 845 F.3d 772, 776 (7th Cir. 2016). The court's order directing Zemater to cease sending inappropriate emails to Hesed House's executive director about the case, while clarifying that Zemater was free to converse with him about other topics, was not an abuse of discretion.

We have considered Zemater's remaining arguments, and none merits discussion.

AFFIRMED