IN THE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MARK DAVENPORT, Plaintiff, -against- LATOYA HUGHES, as the Director of the Illinois Department of Corrections; ILLINOIS DEPARTMENT OF CORRECTIONS; HENRY McGEE, d/b/a Henry's Sober Living House; HENRY'S SOBER LIVING HOUSE; SAIYD JOYCE, d/b/a Next Step Community Services, LLC; SAIYD JOYCE d/b/a Next Step Recovery Homes, LLC; NEXT STEP COMMUNITY SERVICES, LLC; and NEXT STEP RECOVERY HOMES, LLC, Defendants.	No. 1:25-cv-14346

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION FOR A PRELIMINARY INJUNCTION

I. STATEMENT OF FACTS

Plaintiff Mark Davenport has spinal fusion surgery scheduled for this month and requires reasonable accommodations to prevent further worsening of his condition and allow for proper recovery. Declaration of Mark Davenport in Support of his Motion for a Preliminary Injunction ("Davenport Decl.") ¶¶ 44–51, 63. Defendants have refused to provide his requested accommodations—a therapeutic mattress and wedge pillow—for nearly five months, and recently threatened to send him back to prison after his surgery so they do not have to accommodate him. *Id.* ¶¶ 41–43, 52–55. Plaintiff therefore seeks to enjoin, on an emergency basis, Defendants Illinois Department of Corrections ("IDOC") and Latoya Hughes (together, "State Defendants"), and Defendants Next Step Community Services ("NSCS"), Next Step Recovery, LLC ("NSR"), and Saiyd Joyce (together, "Private Defendants") from evicting him and returning him to prison in retaliation for requesting disability-related reasonable accommodations, and to provide him with such accommodations for his degenerative disc disease.

II. ARGUMENT

A. Legal Standard.

To obtain a preliminary injunction, the moving party must show: (1) "some likelihood of prevailing on the merits" and (2) an "inadequate remedy at law, and irreparable harm if preliminary relief is denied." *Life Spine, Inc. v. Aegis Spine, Inc.*, 8 F.4th 531, 539 (7th Cir. 2021). Once the moving party makes this showing, courts weigh: (1) whether the non-movant "will suffer irreparable harm" if the requested relief is granted, balancing this against the irreparable harm to the movant if relief is denied, and (2) the public interest, which is the "effect that granting or denying the injunction will have on nonparties." *Erickson v. Trinity Theatre, Inc.*, 13 F.3d 1061, 1067 (7th Cir. 1994). If the movant is "likely to win on the merits, then the

balance of harms need not weigh as heavily in [their] favor." *Speech First, Inc. v. Killeen*, 968 F.3d 628, 637 (7th Cir. 2020).

B. Absent Preliminary Relief, Mr. Davenport will be Irreparably Harmed and Left Without an Adequate Remedy.

To demonstrate irreparable harm, a movant must show more than a mere possibility—but not a certainty—that such harm will occur absent preliminary relief. *United States v. Town of Thornapple, Wisconsin*, 143 F.4th 793, 799 (7th Cir. 2025). Mr. Davenport satisfies this standard. *First*, Mr. Davenport faces impending eviction and reincarceration due to his requests for assistive devices. Private Defendants have repeatedly threatened to send Mr. Davenport back to prison because they are unwilling to provide him with accommodations, especially after his pending spinal fusion surgery. Davenport Decl. ¶¶ 41–43, 52–55. State Defendants are aware of these threats yet refuse to intervene to forestall Mr. Davenport's eviction and return to prison. *Id.* ¶¶ 56–60; Declaration of Maya Goldman in Support of Plaintiff's Motion for a Preliminary Injunction ("Goldman Decl.") ¶¶ 8–15, Ex. 2, Ex. 3, Ex. 4. Mr. Davenport was already evicted by one transitional housing provider and reincarcerated for requesting reasonable accommodations. Davenport Decl. ¶¶ 13–15. Thus, Mr. Davenport faces additional incarceration without any penological justification, which constitutes irreparable harm. *Stone v. Jeffreys*, No. 21-CV-5616, 2022 WL 4596379, at *2 (N.D. Ill. Aug. 30, 2022). *Second*, if that harm comes to pass, Mr. Davenport will not receive his scheduled spinal fusion surgery to address his degenerative disc disease. Davenport Decl. ¶ 44. That is an independent basis for a finding of irreparable harm. *See Bontrager v. Indiana Fam. & Soc. Servs. Admin.*, 697 F.3d 604, 611 (7th Cir. 2012) (affirming the district court's order granting preliminary injunction and holding that the delay of medical care constitutes irreparable harm). *Third*, Mr. Davenport's degenerative disc disease is worsened by sleeping without assistive devices. Davenport Decl. ¶¶ 62–63. While

living at NSCS/NSR without assistive devices, Mr. Davenport wakes up in severe pain and is unable to move. *Id.* ¶ 39. Despite Private Defendants' knowledge of his predicament, they refuse Mr. Davenport's requests for assistive devices. *Id.* ¶ 40. And despite the State Defendants' administrative responsibility for Illinois's transitional housing network, State Defendants refuse to compel Private Defendants to provide Mr. Davenport with assistive devices. Absent preliminary relief requiring Defendants to provide assistive devices, Mr. Davenport faces continued physical injury that constitutes irreparable harm. *See Woodley v. Baldwin*, No. 18-CV-50050, 2018 WL 3354915, at *8–10 (N.D. Ill. June 14, 2018), *report and recommendation adopted*, No. 18-CV-50050, 2018 WL 3344593 (N.D. Ill. July 9, 2018) (granting a preliminary injunction where Plaintiff "continue[d to] injure himself while navigating his cell and the prison and suffer[ed] eye strain and headaches while attempting to see without the use of effective visual aids"). The risk that Mr. Davenport will experience that harm will worsen after his surgery, which will require post-operative measures that are impossible to implement without the very assistive devices he has requested from Private Defendants. Davenport Decl. ¶¶ 46–51.

Mr. Davenport has no adequate remedy at law to forestall his discriminatory reincarceration. *Stone*, 2022 WL 4596379, at *3. Similarly, he has no adequate remedy at law to forestall his continued pain and suffering from sleeping on an inadequate mattress. *Maya v. Wexford Health Sources, Inc.*, No. 17-CV-00546-NJR, 2020 WL 999207, at *4 (S.D. Ill. Mar. 2, 2020) (no adequate remedy at law for preventable, significantly decreased quality of life and pain and suffering from untreated hernia); *Bentz v. Ghosh*, No. 3:13-CV-573NJR-DGW, 2018 WL 1959780, at *5 (S.D. Ill. Apr. 26, 2018) (tooth pain could not be "adequately addressed by money damages after a determination on the merits.").

C. <u>Mr. Davenport is Likely to Prevail on the Merits Against the State Defendants</u>.

State Defendants have discriminated against Mr. Davenport by refusing to ensure Private Defendants—who operate pursuant to a contract with State Defendants as part of their transitional housing program for people on MSR—provide him with assistive devices so he can safely access Defendants' transitional housing program. Title II of the ADA and Section 504 of the Rehabilitation Act prohibit public entities—including prison systems—from discriminating on the basis of disability. *Pa. Dep't of Corr v. Yesky*, 524 U.S. 206, 206 (1998); *Washington v. Indiana High Sch. Athletic Ass'n, Inc.*, 181 F.3d 840, 846 (7th Cir. 1999). Public entities must ensure that private entities with which they contract do not discriminate on the basis of disability. 42 U.S.C. §§ 12182 (b)(1)(A)(i–iii), (D); 28 C.F.R. §§ 35.130(b)(1)(i–iii); *Ashby v. Warrick Cnty. Sch. Corp.*, 908 F.3d 225, 232 (7th Cir. 2018); *Access Living of Metro. Chicago, Inc. v. City of Chicago*, 752 F. Supp. 3d 922, 928 (N.D. Ill. 2024). To make out *prima facie* claims under Title II and Section 504, a plaintiff must show: (1) he is a qualified individual with a disability; (2) defendant is covered by Title II and Section 504, and (3) plaintiff was denied the opportunity to benefit from defendant's services, programs, or activities. *Lacy v. Cook Cnty., Illinois*, 897 F.3d 847, 853 (7th Cir. 2018). Once a plaintiff makes that showing, the burden shifts to the defendant to show that the proposed modification would unduly burden defendant or fundamentally alter the nature of their services, programs, or activities. *McDaniel v. Syed*, 115 F.4th 805, 822 (7th Cir. 2024).

First, Mr. Davenport is a qualified individual with a disability. He has degenerative disc disease—a physical or mental impairment that substantially limits one or more of his major life activities—and his placement in State Defendants' transitional hosing program establishes that he meets the essential eligibility requirements for that program. 42 U.S.C §§ 12102(1), 12131(2), 12132; Davenport Decl. ¶¶ 3, 22. *Second*, State Defendants are public entities and recipients of

federal funds and are thus subject to Title II and Section 504. Goldman Decl. ¶ 6; 42 U.S.C. § 12132 (applying to public entities); 29 U.S.C. 794 § 84.2(a) (applying to entities that receive federal funds, including public entities). *Third*, State Defendants threaten to deny Mr. Davenport the opportunity to benefit from their transitional housing program by refusing to ensure that Private Defendants provide simple and inexpensive assistive devices necessary for him to abate his current physical pain and suffering and safely recover from surgery. Under Title II, public entities must "make reasonable modifications in policies, practices, or procedures when modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making modifications would fundamentally alter the nature of the service, program, or activity." 28 C.F.R. § 35.130(b)(7)(i); *Oconomowoc Residential Programs v. City of Milwaukee*, 300 F.3d 775, 784 (7th Cir. 2002). Mr. Davenport cannot safely access State Defendants' transitional housing program absent his requested devices because his physical health will continue to deteriorate significantly if his disability is unaccommodated. Davenport Decl. ¶¶ 39, 61–63. State Defendants' failure to provide Mr. Davenport with assistive devices thus denies him equal and effective access to their transitional housing program and violates Title II. *Alexander v. Choate*, 469 U.S. 287, 301 (1985) (holding that a defendant violates Title II where its practices or procedures deny people with disabilities meaningful access to its programs or services). *Finally*, if State Defendants deem Mr. Davenport in violation of his MSR conditions due to his requests for such devices, as they have in the past, they will have committed straightforward disparate treatment in violation of Title II. *See Armstrong v. Brown*, 103 F. Supp. 3d 1070, 1072 (N.D. Cal. 2015) (assigning people with disabilities to segregation cells, solely on the basis of their disability, constituted disparate treatment); 42 U.S.C. §§ 12101(a)(1–2), (b)(1).

D. <u>Mr. Davenport is Likely to Prevail on the Merits Against Private Defendants</u>.

Title III of the ADA provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of services or accommodations of any place of public accommodation by anyone who owns, leases, leases to, or operates a place of public accommodation. 42 U.S.C. § 12182(a). Title III applies to private entities, which are defined as "*a person* or entity other than a public entity." 28 C.F.R. § 36.104 (emphasis added). Courts have explicitly held that individuals can be liable under Title III. *See Emerson v. Thiel Coll.*, 296 F.3d 184, 189 (3d Cir. 2002) (individual liable under Title III when they control or direct the functioning, or conduct the affairs of, a place of public accommodation); *Howe v. Hull*, 874 F. Supp. 779, 787–88 (N.D. Ohio 1994) (individual liable under Title III if they held a position of authority, had the power and discretion to perform potentially discriminatory acts, and those acts were the result of the exercise of the individual's own discretion).

i. Private Defendants Are Violating Mr. Davenport's Title III Rights.

Discrimination under Title III includes the failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such services or accommodations to individuals with disabilities. 42 U.S.C. § 12182(b)(2)(A)(ii). To make out a prima facie claim under Title III for failure to make reasonable modifications, a plaintiff must show that: (1) they are a qualified individual with a disability, (2) defendant owns, leases, leases to, or operates a place of public accommodation, (3) plaintiff requested a reasonable modification and (4) defendant denied plaintiff's request for a reasonable modification. *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 682 (2001); *Mohammed v. DuPage Legal Assistance Found.*, 781 F. App'x 551, 552 (7th Cir. 2019). Once a plaintiff makes this showing, the burden shifts to the defendant, who must show that the proposed modification would fundamentally alter the

nature of their goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii); *PGA Tour*, 532 U.S. 682.

First, as explained above, Mr. Davenport is a qualified individual with a disability. *Second*, Private Defendants own and operate a place of public accommodation. Public accommodations, the operations of which affect commerce, includes "an inn, hotel, motel, or other place of lodging," and "a homeless shelter . . . [or] other social service center establishment[.]" 42 U.S.C. §§ 12181(7)(A), (K); *PGA Tour*, 532 U.S. at 662 (categories should "be construed liberally to afford people with disabilities equal access to the wide variety of establishments available to the nondisabled."). Here, Private Defendants contract with State Defendants to provide transitional housing and supportive reentry services for individuals on MSR. Goldman Decl. ¶¶ 5–6, Ex. 1. Therefore, Private Defendants own and operate a place of public accommodation. 42 U.S.C. §§ 12181(7)(A), (K). Defendant Joyce, as owner, operator and sole director of NSCS/NSR, directly manages and controls NSCS/NSR's business affairs. *See Emerson*, 296 F.3d at 189. Defendant Joyce has authority and discretion to ameliorate discrimination at NSCS/NSR and to correct discriminatory corporate policies and practices. *Howe*, 874 F. Supp. at 787–88. *Third*, Mr. Davenport has requested a reasonable modification, namely a therapeutic mattress and wedge pillow. *Fourth*, rather than ameliorate discrimination and correct discriminatory policy, Defendant Joyce has admitted that NSCS/NSR is "not ADA compliant" and refused Mr. Davenport's requests for reasonable modifications without so much as engaging in the interactive process required by the ADA and Rehabilitation Act. Davenport Decl. ¶ 54. *Fifth*, Mr. Davenport's requested modification is reasonable. Mr. Davenport requests only minor, inexpensive assistive devices that are necessary to afford him equal access to NSCS/NSR's services, facilities, and accommodations, and forestall the diminution in his

physical health that has resulted from Private Defendants' refusal to provide these auxiliary aids. 42 U.S.C. §§ 12182(b)(2)(A)(ii–iii).

ii. Private Defendants Are Violating Mr. Davenport's FHAA Rights.

Private Defendants discriminate against Mr. Davenport by refusing to make reasonable accommodations necessary to afford him an equal opportunity to use and enjoy his home, NSCS/NSR. 42 U.S.C. § 3604(f)(3)(B). The FHAA provides that it is unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter on the basis of their disability and to discriminate against any person in the provision of services or facilities in connection with such dwelling on the basis of their disability. 42 U.S.C. §§ 3604(f)(1), (2). Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B). To make out a prima facie case for failure to make reasonable accommodations under the FHAA, a plaintiff must show that: (1) they have a disability within the meaning of the FHAA, (2) defendant engages in the sale or rental of a dwelling, or in the provision of services or facilities of a dwelling, (3) defendant knew or should of have known of plaintiff's disability, (4) plaintiff requested reasonable accommodations necessary to afford them an equal opportunity to use and enjoy a dwelling, and (5) defendant denied plaintiff's request for reasonable accommodations. *Stevens v. Hollywood Towers & Condo. Ass'n*, 836 F. Supp. 2d 800, 808 (N.D. Ill. 2011). The burden then shifts to the defendant to demonstrate that the requested accommodation is a fundamental alteration of their rules, policies, practices, or services, or that it would cause "undue hardship in the particular circumstances." *Oconomowoc*, 300 F.3d at 783.

First, courts interpret the definition of disability under the FHAA and ADA as identical, *Bragdon v. Abbott*, 524 U.S. 624, 631 (1998), so, for the reasons stated above, Mr. Davenport is disabled within the meaning of the FHAA.

Second, NSCS/NSR is a dwelling covered by the FHAA. NSCS/NSR is a building or structure occupied as and designed or intended for occupancy as a residence by one or more families. 42 U.S.C. §§ 3602, 3604. Courts have defined "residence" as "a temporary or permanent dwelling place, abode or habitation to which one intends to return as distinguished from the place of temporary sojourn or transient visit." *See, e.g.*, *Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1214 (11th Cir. 2008). Mr. Davenport views and treats NSCS/NSR as his home and intends to reside at and return to NSCS/NSR until at least October 2027. Davenport Decl. ¶¶ 22–29, 33, 34–36. Mr. Davenport has established a network of doctors, including a primary care provider and a neurosurgeon, near NSCS/NSR, *id.* ¶ 28, he can leave the house of his own accord, *id.* ¶ 33, and he spends time in common areas with the other residents, *id.* ¶ 36. Courts have found that halfway houses and group homes like NSCS/NSR constitute a dwelling under the FHAA. *Schwarz*, 544 F.3d at 1215; *Connecticut Hosp. v. City of New London*, 129 F. Supp. 2d 123, 134–35 (D. Conn. 2001) (group home providing residents with short-term housing, where residents viewed it as their home, constituted a dwelling). NSCS/NSR is covered by the FHAA under both 42 U.S.C. §§ 3604(f)(1) and (2). Additionally, State Defendants pay Private Defendants with state and federal funds to provide transitional housing to formerly incarcerated individuals on MSR. Goldman Decl. ¶¶ 5–6. As a result, Private Defendants receive consideration to rent NSCS/NSR to people on MSR, giving Mr. Davenport the right to occupy the premises so long as he complies with his MSR terms. *Id.*, Ex. 1. Receipt of federal funds is consideration for a right to occupy a dwelling and falls within FHAA's broad definition of "to

rent" as set out in the statute. 42 U.S.C. § 3604(f)(1); *Woods v. Foster*, 884 F. Supp. 1169, 1174–75 (N.D. Ill. 1995) (holding for a homeless shelter that consideration for rent need not be paid by the occupant to be covered by the FHAA). Private Defendants also engage in the provision of services or facilities of a dwelling under 42 U.S.C. § 3604(f)(2). The Seventh Circuit has broadly read the word "services," interpreting the "passive construction of the statute to include discriminatory provision of services generally, not merely government entities." *Davis v. Wells Fargo Bank*, No. 07-CV-2881, 2008 WL 1775481, at *6 (N.D. Ill. Apr. 17, 2008). Private Defendants contract with Defendants Hughes and IDOC to provide housing for individuals on MSR. Goldman Decl. ¶ 5. The scope of this housing contract includes providing supportive services, facilities in the form of housing, and basic bedding necessities, such as a mattress and pillows. *Id.* ¶ 5–7, Ex. 1. Defendant Joyce has admitted that he is obligated to provide Mr. Davenport with a bed and pillows. Davenport Decl. ¶ 54.

Third, Private Defendants know of Mr. Davenport's disability because he informed them of his conditions and he made repeated accommodations requests. *Id.* ¶ 40–41.

Fourth, Mr. Davenport's requested accommodations are reasonable. *Id.* The reasonableness of an accommodation under FHAA is coextensive with the reasonableness of an accommodation under the ADA. *Oconomowoc*, 300 F.3d at 783.Therefore, for the reasons stated above, Mr. Davenport's requested accommodations are reasonable under the FHAA. Under the FHAA, however, Mr. Davenport's requested accommodations are also "necessary" because they would affirmatively enhance his quality of life. *See Newman v. Nazcr Trac Prop. Owners Ass'n, Inc.*, 601 F. Supp. 3d 357, 363–64 (E.D. Wis. 2022) (enjoining defendant from enforcing policy that deprived children with autism's opportunity to play in their own yard).

Fifth, Private Defendants have repeatedly denied Mr. Davenport's requested reasonable accommodations. Since July 2025, Mr. Davenport has repeatedly requested that Private Defendants provide him with a therapeutic mattress and wedge pillow as reasonable accommodations. Davenport Decl. ¶ 41. Private Defendants denied his requests. *Id.* ¶ 42. Private Defendants have done so with the knowledge that Mr. Davenport has a severe degenerative disc disease which makes him a qualified person with a disability. *Id.* ¶ 40. Defendant Joyce stated that he would "find somewhere else for [Mr. Davenport] to go" because NSCS/NSR is "not ADA compliant." *Id.* ¶ 54. By denying Mr. Davenport accommodations, Private Defendants have denied him the equal opportunity to use and enjoy their dwelling in violation of the FHAA. 42 U.S.C. § 3604(f)(3)(B).

E. <u>The Balancing of Equities Weigh Heavily in Mr. Davenport's Favor</u>.

Once the moving party establishes the threshold requirements for a preliminary injunction, the court balances the harm to the moving party if the injunction is denied against the harm to the nonmoving party if granted, and considers the public interest. *See Ind. Prot. & Advoc. Servs. Comm'n v. Ind. Fam. & Soc. Servs. Admin.*, 149 F.4th 917, 942 (7th Cir. 2025) (citing *Bontrager*, 697 F.3d at 611).

First, absent a preliminary injunction, Mr. Davenport will experience severe hardship. Mr. Davenport experiences extreme pain from Private Defendants' refusal to provide him with reasonable accommodations, and from State Defendants' failure to ensure Private Defendants comply with the law. Davenport Decl. ¶¶ 42, 58–60. If Mr. Davenport continues to live at NSCS/NSR without the reasonable accommodations he requires, he faces a significant diminution in his physical health. *Id.* ¶¶ 39, 49–51; *Woodley*, 2018 WL 3354915, at *8–10. If Mr. Davenport is evicted, he will experience irreparable harm from both the delay of his surgery

and incarceration without any penological justification. *See Bontrager*, 697 F.3d at 611; *Stone*, 2022 WL 4596379, at *2. The likelihood of Mr. Davenport returning to prison is far from speculative as he already experienced this precise harm as a result of the challenged conduct. Davenport Decl. ¶ 15. And Defendant Joyce has repeatedly threatened to evict Mr. Davenport because of his requests for accommodations. *Id.* ¶¶ 43, 54–55

Second and by contrast, any harm Defendants might claim is minimal and outweighed by extant and severe harm to Mr. Davenport. To the extent Defendants experience any harm, it will result from their own disregard for the law. And any cost associated with complying with the federal statutes that Defendants may claim as hardships do not outweigh the harms Mr. Davenport faces in the absence of a preliminary injunction. *See Bontrager*, 697 F.3d at 611 ("The State's potential budgetary concerns are entitled to our consideration, but do not outweigh the potential harm to [plaintiff] and other indigent individuals, especially when the State's position is likely in violation of state and federal law."). Any financial harm caused to Defendants is also minimal as the relief that Mr. Davenport seeks is reasonable.

Finally, it is strongly in the public interest to ensure formerly incarcerated disabled people are given the opportunity to remain in their community and have equitable access to public accommodations. This Court has repeatedly held that there is "substantial public interest in ensuring correctional facilities abide by their own policies and protect the federal rights of [disabled plaintiffs] to access [services, programs, or activities] on the same terms" as others in IDOC custody. *Rogers v. Dart*, No. 24-CV-03739, 2025 WL 2239341, at *7 (N.D. Ill. Aug. 6, 2025). The Court has also made clear that it benefits the public interest to require agencies to abide by federal law to protect peoples' civil rights. *See Koss v. Norwood*, 305 F.Supp.3d 897, 924 (N.D. Ill. 2018) ("[T]he public interest in making the state follow federal law outweighs any

modest impact on its budget because that impact is likely what federal law requires."); *Lacy v. Dart*, No. 14-CV-6259, 2015 WL 5921810, at *13 (N.D. Ill. Oct. 8, 2015) (finding an injunction protecting plaintiffs' ADA and Rehabilitation Act rights was in the public interest). Courts in the Seventh Circuit have similarly issued preliminary injunctions in FHAA cases because ensuring housing accommodations are provided is in the public interest. *See A.D. by Valencia v. City of Springfield*, No. 16-CV-3331, 2017 WL 3288110, at *7 (C.D. Ill. Aug. 2, 2017) (finding a preliminary injunction would serve the public interest where defendant's discrimination under the FHAA would likely force disabled plaintiff out of their group home with great difficulty in finding another residence due to their disabilities), *aff'd*, 883 F.3d 959 (7th Cir. 2018); *see also New Horizons Rehabilitation, Inc., v. Indiana*, 2017 WL 4865912, at *9 (granting preliminary injunction to serve the purposes of the FHAA, Rehabilitation Act, and ADA in "ensuring the disabled access to housing").

III. CONCLUSION

For all the foregoing reasons, the Court should grant Mr. Davenport the narrow preliminary relief he seeks to protect him against the imminent threat of physical harm and/or reincarceration.

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