

TCPA Tracker: Special Update – July 2026

July 15, 2026

The Seventh Circuit Holds Text Messages Are Not Calls Under TCPA's DNC Provision

Plaintiff-Appellant Seth Steidinger filed a class action against Defendant-Appellee Blackstone Medical Services alleging that Defendant repeatedly sent text messages despite Plaintiff allegedly sending repeated "STOP" requests. The District Court granted Defendant's Motion to Dismiss, finding that Section 227(c)(5) of the TCPA does not apply to text messages. Plaintiff appealed that decision.

On July 14, 2026, the Seventh Circuit affirmed and held that Section 227(c)(5) does not permit plaintiffs to sue for unwanted text messages. The Seventh Circuit reasoned that text messages would not constitute "calls" under the ordinary meaning of the word because text messaging did not exist when the TCPA was enacted in 1991. The Seventh Circuit acknowledged that Section 227(c)(5) likely covered more than just telephone calls as they existed in 1991 but declined to express too much "liberality" in interpreting terms.

The Seventh Circuit also relied on the context of provisions surrounding Section 227(c)(5), noting that use of the term "telephone solicitations" in other parts of the statute indicated that Congress intended a different meaning for "calls." The court rejected Plaintiff's attempt to rely on the FCC's interpretation of the statute, finding it is no longer bound by the FCC's guidance post-[McLaughlin](#). The Seventh Circuit also rejected Plaintiff's policy arguments, finding that the TCPA's remedial nature was insufficient to overcome the plain language of the statute. It also found that cases interpreting text messages under different provisions of the TCPA and case law from other circuits were similarly unpersuasive.

Accordingly, the Seventh Circuit affirmed the district court's ruling that text messages are not "calls" under 47 U.S.C. § 227(c). We will continue to monitor these developments, as this issue appears ripe for the Supreme Court to review.

Seth Steidinger, et al. v. Blackstone Medical Services, No. 25-2398 (7th Cir. July 14, 2026).