

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Charles Volkers and Joyce Joplin v. Laura Johnson, et al.

Volkers v. Johnson · No. 3:25-cv-00184-RJD · Decided May 7, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Defendants’ motion to dismiss Plaintiffs’ Second Amended Complaint in a pro se civil rights action arising from a child-welfare investigation and removal. The court concludes that Plaintiffs failed to allege each Defendant’s personal involvement, failed to plead alleged misrepresentations with the particularity required by Rule 9(b), and could not bring a Fourth Amendment seizure claim in their own names for the seizure of their children. The dismissal is without prejudice, and Plaintiffs are granted leave to file a third amended complaint by June 8, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Reona J. Daly
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 7, 2026
DOCKET	3:25-cv-00184-RJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiffs' Second Amended Complaint asserting civil-rights claims arising from a child-welfare investigation and removal of children.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but requires allegations that plausibly state an entitlement to relief. Claims premised on fraudulent conduct must satisfy Rule 9(b)'s particularity requirement, and each § 1983 defendant must be personally involved in the alleged constitutional deprivation.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Charles Volkers, Joyce Joplin v. Laura Johnson, Erin Schaub, Johnnie Wilson

TOPICS

motions to dismiss

section 1983

due process

fourteenth amendment

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

family law

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint plausibly stated Fourteenth Amendment procedural due-process claims based on alleged misrepresentations, waiver of adjudication, continued removal, and deprivation of parental rights.
2. Whether the Second Amended Complaint plausibly stated a Fourteenth Amendment substantive due-process claim for interference with familial integrity.
3. Whether Plaintiffs, who were not the individuals seized, could assert a Fourth Amendment claim in their own names for the seizure and continued retention of the minor children.
4. Whether the complaint adequately pleaded each defendant's personal involvement and alleged misrepresentations with the particularity required by Rule 9(b).

HOLDINGS

1. Counts I, II, and IV failed to state a claim because the Second Amended Complaint did not adequately identify each defendant's role or personal involvement, did not sufficiently plead the alleged misrepresentations, and did not establish facts supporting Volkers's standing based on a familial relationship with the children.
2. Count V failed to state a substantive due-process claim because Plaintiffs did not allege how each defendant interfered with their familial-integrity rights or explain each defendant's relationship to or involvement in the DCFS investigation and removal.
3. Plaintiffs could not assert in their own names a Fourth Amendment claim based on the unreasonable seizure and continued retention of the minor children because Plaintiffs were not the individuals seized.
4. The Second Amended Complaint failed to state claims under § 1983 because it did not allege facts showing each defendant's personal involvement in the asserted constitutional deprivations.

KEY QUOTATIONS

“A complaint will not be dismissed if it “contain[s] sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’””

“Accordingly, Plaintiffs cannot bring a Fourth Amendment claim under their names for the unreasonable seizure and continued retention of the minor children.”

FACTUAL BACKGROUND

Plaintiffs alleged that the Illinois Department of Children and Family Services investigated Joyce Joplin and her minor children, removed or retained the children, and continued services and removal after Plaintiffs waived adjudication. They alleged that the waiver was induced by misrepresentations and that Joplin was pressured to sign custody of her daughters over to their biological fathers. Plaintiffs asserted Fourteenth Amendment procedural and substantive due-process claims and a Fourth Amendment claim based on the seizure and continued retention of the children.

PROCEDURAL HISTORY

Plaintiffs filed their original pro se civil-rights complaint on February 6, 2025. After motions to dismiss and an intervening First Amended Complaint, the Court granted leave for Plaintiffs to file a Second Amended Complaint on February 6, 2026. Defendants moved to dismiss the Second Amended Complaint, and the court granted the motion, dismissed all claims without prejudice, and granted leave to file a Third Amended Complaint by June 8, 2026.

DISPOSITION

dismissed

CASES CITED

- Killingsworth v. HSBC Bank Nevada, N.A., 507 F.3d 614, 618 (7th Cir.)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 558, 570 (2007)
- Olson v. Randstad HR Sols. of Delaware LLC, No. 23-2455, 2025 WL 400728, at *2 (7th Cir. Feb. 5, 2025)
- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2011)
- United States ex rel. Presser v. Acacia Mental Health Clinic, LLC, 836 F.3d 770, 776 (7th Cir. 2016)
- United States ex rel. Lusby v. Rolls-Royce Corp., 570 F.3d 849, 853 (7th Cir. 2009)
- Borsellino v. Goldman Sachs Grp., Inc., 477 F.3d 502, 507 (7th Cir. 2007)
- Matz v. Klotka, 769 F.3d 517, 528 (7th Cir.)
- Pepper v. Village of Oak Park, 430 F.3d 806, 810 (7th Cir.)
- Collins v. Kibort, 143 F.3d 331, 334 (7th Cir.)
- Sanville v. McCaughtry, 266 F.3d 724, 740 (7th Cir.)
- Lyon v. Brown, 151 F.3d 1033 (7th Cir.)
- Downs v. Westphal, 78 F.3d 1252, 1257 (7th Cir.)
- Brokaw v. Mercer County, 235 F.3d 1000, 1020 (7th Cir.)
- Mathews v. Eldridge, 424 U.S. 319, 333 (1976)
- Hernandez ex rel. Hernandez v. Foster, 657 F.3d 463, 474, 486 (7th Cir.)
- Overton v. Bazzetta, 539 U.S. 126, 131 (2003)
- DiLeo v. Ernst & Young, 901 F.2d 624, 627 (7th Cir.)

- *Vicom, Inc. v. Harbridge Merchant Services, Inc.*, 20 F.3d 771, 777 (7th Cir.)
- *Gilbank v. Wood Cnty. Dep't of Hum. Servs.*, 111 F.4th 754, 788 (7th Cir.), cert. denied, 145 S.Ct. 1167, 221 L.Ed. 2d 250 (2025)
- *Sebesta v. Davis*, 878 F.3d 226, 233 (7th Cir.)
- *Xiong v. Wagner*, 700 F.3d 282, 291 (7th Cir.)
- *Millspaugh v. County Department of Public Welfare*, 937 F.2d 1175-76 (7th Cir.)
- *Doe v. Heck*, 327 F.3d 492, 519 n.23 (7th Cir.), as amended on denial of reh'g (May 15, 2003)
- *Godfrey v. Easton*, 702 F. App'x 469, 471 (7th Cir.)
- *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir.)
- *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir.)
- *Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n.1 (7th Cir.)

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