

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Campos v. Cook County

Campos v. Cook County, 932 F.3d 972 (7th Cir. 2019) · No. 18-3472 · Decided August 5, 2019

SUMMARY

Public employee's substantive due process claim over eight-year termination proceedings fails because employment rights are not fundamental and the employee did not allege arbitrary or outrageous conduct or inadequate state remedies, as he successfully challenged termination decisions in state court. Conspiracy claims under § 1983 are derivative and cannot stand without an underlying constitutional violation. The district court's dismissal with prejudice is affirmed.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Kanne; Sykes; Brennan
JURISDICTION	Federal
DECIDED	August 5, 2019
DOCKET	18-3472
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from dismissal of complaint with prejudice
STANDARD OF REVIEW	De novo for dismissal for failure to state a claim; abuse of discretion for dismissal with prejudice.
PRECEDENTIAL VALUE	Published
PARTIES	Michael O. Campos v. Cook County, et al.

TOPICS

- due process
- fourteenth amendment
- civil procedure
- standard of review
- employment law

PRACTICE AREAS

- civil rights
- employment law
- appellate litigation

QUESTIONS PRESENTED

1. Whether Campos stated a substantive due process claim based on the protracted termination proceedings.
2. Whether the district court abused its discretion in dismissing the complaint with prejudice.

HOLDINGS

1. Campos did not state a substantive due process claim because he did not allege an independent constitutional violation and state remedies were not inadequate; the lengthy process was not arbitrary or outrageous.
2. The district court did not abuse its discretion because Campos failed to state a claim and amendment would be futile.

KEY QUOTATIONS

“guideposts for responsible decisionmaking in this uncharted area are scarce and open-ended.” (503 U.S. at 125)

“almost all litigation, whether conducted in a state or federal forum, may be characterized as a lengthy and speculative process.” (910 F.2d at 1406)

“at some point delay must ripen into deprivation, because otherwise a suit alleging deprivation would be forever premature.” (927 F.2d at 960)

FACTUAL BACKGROUND

Michael Campos worked as a correctional officer for the Cook County Sheriff's Office. In August 2011, he was arrested for DUI and related offenses. He self-reported, and the sheriff suspended him without pay and referred him for termination. The Merit Board, which has exclusive authority to terminate, voted to terminate him twice, but both times the Cook County Circuit Court vacated the decision due to defects. The first vacatur was for vagueness; the second was because the Board's composition was invalid due to an interim appointment. By the time Campos filed his federal suit, almost seven years had passed since his suspension.

PROCEDURAL HISTORY

Campos filed a federal lawsuit after protracted state termination proceedings. The district court dismissed the amended complaint with prejudice. Campos appealed.

DISPOSITION

affirmed

CASES CITED

- *Kanter v. Barr*, 919 F.3d 437 (7th Cir. 2019)
- *Archer v. Chisholm*, 870 F.3d 603 (7th Cir. 2017)
- *Tun v. Whitticker*, 398 F.3d 899 (7th Cir. 2005)

- Washington v. Glucksberg, 521 U.S. 702 (1997)
- Collins v. City of Harker Heights, 503 U.S. 115 (1992)
- Belcher v. Norton, 497 F.3d 742 (7th Cir. 2007)
- Cty. of Sacramento v. Lewis, 523 U.S. 833 (1998)
- Idris v. City of Chicago, 552 F.3d 564 (7th Cir. 2009)
- Palka v. Shelton, 623 F.3d 447 (7th Cir. 2010)
- Montgomery v. Stefaniak, 410 F.3d 933 (7th Cir. 2005)
- Galdikas v. Fagan, 342 F.3d 684 (7th Cir. 2003)
- Spiegla v. Hull, 371 F.3d 928 (7th Cir. 2004)
- Hudson v. City of Chicago, 374 F.3d 554 (7th Cir. 2004)
- Puffer v. Allstate Ins. Co., 675 F.3d 709 (7th Cir. 2012)
- Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)
- Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)
- Armstrong v. Manzo, 380 U.S. 545 (1965)
- Schroeder v. City of Chicago, 927 F.2d 957 (7th Cir. 1991)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Michalowicz v. Vill. of Bedford Park, 528 F.3d 530 (7th Cir. 2008)
- Easter House v. Felder, 910 F.2d 1387 (7th Cir. 1990)
- Haywood v. Massage Envy Franchising, LLC, 887 F.3d 329 (7th Cir. 2018)
- Gonzalez-Koeneke v. West, 791 F.3d 801 (7th Cir. 2015)
- Tower v. Glover, 467 U.S. 914 (1984)
- Shockley v. Jones, 823 F.2d 1068 (7th Cir. 1987)
- Baker v. Dir., U.S. Parole Comm'n, 916 F.2d 725 (D.C. Cir. 1990)
- Taylor v. Dart, 64 N.E.3d 123 (Ill. App. Ct. 2016)
- Lopez v. Dart, 118 N.E.3d 580 (Ill. App. Ct. 2018)

CITED IN

- Campos v. Cook County, Campos v. Cook County, 932 F.3d 972, 975 (7th Cir. 2019)
- Campos v. Cook County, Campos v. Cook Cty., 932 F.3d 972, 976 (7th Cir. 2019)
- Campos v. Cook County, Campos v. Cook County, 932 F.3d 972, 975 (7th Cir. 2019)