

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Nelson Marrero v. Emanuel Acosta, Yesenia Taylor, Westchester
Police Sergeant Battaglia #151, Westchester Det. Jackie Rogers,
Westchester Inv. Colin Lockbridge and City of Westchester, a
Municipal Corporation

Marrero v. Acosta, No. 25-cv-9861 (N.D. Ill. Feb. 20, 2026) · No. No. 25-cv-9861 · Decided February 20, 2026

SUMMARY

The United States District Court for the Northern District of Illinois denied a motion to abstain under the Colorado River doctrine and granted the Westchester Defendants’ motion to dismiss. The court held that the state and federal proceedings were not parallel and that the complaint failed to plausibly allege the absence of probable cause or concerted action between the private defendants and police officers. The complaint was dismissed in its entirety, with leave to amend by March 25, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	April M. Perry
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	February 20, 2026
DOCKET	No. 25-cv-9861
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 and Illinois law for false arrest, malicious prosecution, conspiracy, and municipal indemnification. Defendants moved to abstain under the Colorado River doctrine, and the Westchester Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and draws reasonable inferences in the plaintiff's favor, but disregards legal conclusions and conclusory allegations. A complaint must contain sufficient factual matter to state a facially plausible claim. For

Colorado River abstention, the court first determines whether the state and federal proceedings are parallel and, if they are, balances the relevant factors.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

motions to dismiss

civil procedure

subject matter jurisdiction

section 1983

police misconduct

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal law

QUESTIONS PRESENTED

1. Whether the federal action should be stayed under the Colorado River doctrine because of Acosta and Taylor's parallel Illinois state-court action.
2. Whether the complaint plausibly alleged that the defendant officers lacked probable cause for Plaintiff's arrest and prosecution.
3. Whether the complaint plausibly alleged personal involvement and joint action sufficient to support the § 1983 and state-law conspiracy claims.
4. Whether the indemnification claim against the City of Westchester remained viable after dismissal of the claims against the defendant officers.

HOLDINGS

1. The state and federal proceedings were not parallel because they involved substantially different issues; therefore, the Colorado River doctrine did not apply and abstention was denied.
2. The complaint failed to plausibly allege that the defendant officers lacked probable cause for Plaintiff's arrest and prosecution.
3. The complaint failed to plausibly allege a § 1983 or Illinois conspiracy claim because probable cause defeated the underlying false-arrest and malicious-prosecution claims and the complaint did not plausibly allege joint action between the private defendants and the officers.
4. The indemnification claim against the City of Westchester was moot after dismissal of all claims against the defendant officers.

KEY QUOTATIONS

“abstention is “an extraordinary and narrow exception to the duty of a District Court to adjudicate a controversy properly before it”” (at 3)

“Because federal courts have a “virtually unflagging” obligation to exercise properly conferred jurisdiction” (at 3)

“To survive a motion to dismiss, a plaintiff need only include “a short and plain statement of a claim that is plausible on its face and entitles them to relief.”” (at 6)

“When police officers obtain information from an eyewitness or victim establishing the elements of a crime, the information is almost always sufficient to provide probable cause for an arrest in the absence of evidence that the information, or the person providing it, is not credible.” (at 7)

“The only basis for federal jurisdiction in this case is 42 U.S.C. § 1983, which requires that someone acting under color of state law deprived Plaintiff of his federally-protected rights.” (at 9)

FACTUAL BACKGROUND

Plaintiff operated a towing company and alleged that former employee Emanuel Acosta and Yesenia Taylor falsely reported that Taylor's vehicles had been stolen after the vehicles were towed from a parking lot. Plaintiff alleged that the defendant officers relied on statements from Acosta and Taylor, charged Plaintiff with misdemeanor theft and criminal damage to property, and participated in a conspiracy despite a lack of evidence. Plaintiff was acquitted of all criminal charges on December 17, 2024, and alleged that the arrest and prosecution damaged his towing business.

PROCEDURAL HISTORY

Plaintiff filed the action in the Northern District of Illinois after being acquitted of misdemeanor theft and criminal-damage-to-property charges. Acosta and Taylor had a parallel state-court action pending against Plaintiff concerning the towing of Taylor's vehicles and moved for abstention and a stay. The court denied abstention, granted the Rule 12(b)(6) motion, dismissed the complaint in its entirety, and permitted Plaintiff to file an amended complaint by March 25, 2026.

DISPOSITION

dismissed

CASES CITED

- Henson v. CSC Credit Services, 29 F.3d 280, 284 (7th Cir. 1994)
- Lowery v. Schnorf, No. 97 C 6688, 1998 WL 341835, at *3 (N.D. Ill. 1998)
- Starzenski v. City of Elkhart, 87 F.3d 872, 878 (7th Cir. 1996)
- Colorado River Water Conservation District v. United States, 424 U.S. 800, 813, 817 (1976)
- New Orleans Public Service, Inc. v. Council of City of New Orleans, 491 U.S. 350, 359 (1989)
- Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1, 16 (1983)
- Freed v. J.P. Morgan Chase Bank, N.A., 756 F.3d 1013, 1018 (7th Cir. 2014)
- Antosh v. Village of Mount Pleasant, 99 F.4th 989, 994 (7th Cir. 2024)
- TruServ Corp. v. Flegles, Inc., 419 F.3d 584, 592 (7th Cir. 2005)
- Clark v. Lacy, 376 F.3d 682, 686-87 (7th Cir. 2004)
- Adkins v. VIM Recycling, Inc., 644 F.3d 483, 499 (7th Cir. 2011)

- White v. Hefel, 875 F.3d 350, 357 (7th Cir. 2017)
- Woods v. City of Chicago, 234 F.3d 979, 987 (7th Cir. 2000)
- McKinney v. George, 726 F.2d 1183, 1187 (7th Cir. 1984)
- Gibson v. City of Chicago, 910 F.2d 1510, 1520 (7th Cir. 1990)
- Kubiak v. City of Chicago, 810 F.3d 476, 480-81 (7th Cir. 2016)
- Roldan v. Stroud, 52 F.4th 335, 339 (7th Cir. 2022)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Mitchell v. Kallas, 895 F.3d 492, 498 (7th Cir. 2018)
- Sloan v. Anker Innovations Ltd., 711 F. Supp. 3d 946, 955 (N.D. Ill. 2024)
- Linke v. Baits, No. 3:23 C 50370, 2025 WL 2689922, at *8 (N.D. Ill. 2025)
- Brooks v. Ross, 578 F.3d 574, 582 (7th Cir. 2009)
- Karney v. City of Naperville, 2016 WL 6082354, at *7 (N.D. Ill. 2016)
- Gonzalez v. City of Elgin, 578 F.3d 526, 537 (7th Cir. 2009)
- Reed v. City of Chicago, 77 F.3d 1049, 1051 (7th Cir. 1996)
- Pyles v. Strebing, No. 24-1797, 2025 WL 2083900, at *2 (7th Cir. 2025)
- Indeck North America Power Fund, L.P. v. Norweb PLC, 735 N.E.2d 649, 662 (Ill. App. Ct. 2000)
- People v. Grodkiewicz, 157 N.E.2d 16, 19 (Ill. 1959)
- People v. Owens, 504 N.E.2d 186, 189 (Ill. App. Ct. 1987)
- St. John's United Church of Christ v. City of Chicago, 502 F.3d 616, 633 (7th Cir. 2007)
- Spiegel v. McClintic, 916 F.3d 611, 616 (7th Cir. 2019)
- Fries v. Helsper, 146 F.3d 452, 458 (7th Cir. 1998)