

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Justin Credico v. Carmel Clay Public Library, Beth Meyers

Credico · No. 1:25-cv-00582-JPH-KMB · Decided March 11, 2026

SUMMARY

The United States District Court for the Southern District of Indiana granted defendants' Rule 12(b)(6) motion to dismiss Justin Credico's claims arising from his six-month suspension from the Carmel Clay Public Library. The court held that Credico waived his First Amendment retaliation and Fourteenth Amendment procedural due process claims by failing to address defendants' dismissal arguments in his response. The court also rejected Credico's reliance on *Franks v. Delaware* and dismissed the action with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	James Patrick Hanlon
JURISDICTION	United States District Court for the Southern District of Indiana, Indianapolis Division
DECIDED	March 11, 2026
DOCKET	1:25-cv-00582-JPH-KMB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action alleging First Amendment retaliation and Fourteenth Amendment procedural due process violations. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court granted the motion and dismissed the action with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true but disregards legal conclusions and conclusory allegations. The complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Justin Credico v. Carmel Clay Public Library, Beth Meyers

TOPICS

motions to dismiss

first amendment

due process

section 1983

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether Credico waived his First Amendment retaliation and Fourteenth Amendment procedural due process claims by failing to respond to Defendants' arguments supporting dismissal under Rule 12(b)(6).
2. Whether Credico's reliance on *Franks v. Delaware* provided a basis to avoid dismissal of his civil claims based on alleged misrepresentations or omissions in the library suspension notice.

HOLDINGS

1. A plaintiff who responds to a motion to dismiss but fails to address the defendant's substantive arguments for dismissal waives the right to contest dismissal on those grounds.
2. *Franks v. Delaware* does not apply to a civil § 1983 action challenging a library suspension based on alleged misrepresentations or omissions in the suspension notice.

KEY QUOTATIONS

"He has therefore waived his claims against the Defendants." (Analysis section III)

"This action is DISMISSED with prejudice." (Conclusion section IV)

FACTUAL BACKGROUND

Credico was at the Carmel Clay Public Library on March 17, 2025, where he complained about harassment by library staff and called a staff member a "piece of cop shit." The next day, rather than meeting with the library's assistant director, he was given a trespass order banning him from the library for six months. The suspension notice cited alleged verbal abuse, threats, vulgar language, and prior disruptive conduct. Credico alleged that the suspension constituted First Amendment retaliation and violated his Fourteenth Amendment procedural due process rights.

PROCEDURAL HISTORY

Credico filed suit after being suspended from the Carmel Clay Public Library for six months. Defendants moved to dismiss both claims. Credico responded without addressing Defendants' arguments for dismissal, instead relying on a purported hybrid *Franks* test. The court held that Credico waived his claims by failing to respond to the substance of the motion and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- McCauley v. City of Chicago, 671 F.3d 611, 616 (7th Cir. 2011)
- Adams v. City of Indianapolis, 742 F.3d 720, 729 (7th Cir. 2014)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Bilek v. Fed. Ins. Co., 8 F.4th 581, 586 (7th Cir. 2021)
- Graham v. Bd. of Educ., 8 F.4th 625, 627 (7th Cir. 2021)
- Chapman v. Yellow Cab Coop., 875 F.3d 846, 848 (7th Cir. 2017)
- Stransky v. Cummins Engine Co., 51 F.3d 1329, 1335 (7th Cir. 1995)
- Alito v. Town of Lisbon, 651 F.3d 715, 721-22 (7th Cir. 2011)
- Boogaard v. Nat. Hockey League, 891 F.3d 289, 295 (7th Cir. 2018)
- Crothersville Lighthouse Tabernacle Church, Inc. v. Church Mut. Ins., 2026 WL 574106, at *4-*5 (7th Cir. Mar. 2, 2026)
- Soo Line R.R. Co. v. Consol. R. Corp., 965 F.3d 596, 602 (7th Cir. 2020)
- Marcure v. Lynn, 992 F.3d 625, 633 (7th Cir. 2021)
- Bradley v. Village of Univ. Park, Ill., 59 F.4th 887, 897 (7th Cir. 2023)
- Franks v. Delaware, 438 U.S. 154, 171-72 (1978)
- Kirksey v. R.J. Reynolds Tobacco Co., 168 F.3d 1039, 1042 (7th Cir. 1999)

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