

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

Giselle Higuera, Administrator for the Estate of Anthony Alvarez and
as mother of A.A., a minor v. City of Chicago, et al.

Higuera · No. 22-cv-964 · Decided March 9, 2026

SUMMARY

The United States District Court for the Northern District of Illinois denied Giselle Higuera’s motion for reconsideration in an excessive-force and related civil-rights action arising from the fatal police shooting of Anthony Alvarez. The court held that *Barnes v. Felix* did not alter the Seventh Circuit’s totality-of-the-circumstances approach or establish that a pre-seizure foot chase could independently support an excessive-force claim. The court also declined to revisit its rulings concerning the Monell claim and bifurcation of discovery.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Steven C. Seeger
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 9, 2026
DOCKET	22-cv-964
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of interlocutory rulings on motions to dismiss and discovery bifurcation after the Supreme Court decided <i>Barnes v. Felix</i> . The district court denied reconsideration.
STANDARD OF REVIEW	A district court may revise an interlocutory order before entry of final judgment under Federal Rule of Civil Procedure 54(b), but reconsideration is limited to grounds such as a significant change in law or facts, a misunderstanding of the parties' arguments, a ruling on an issue not properly before the court, or a manifest error of law or fact. Reconsideration is discretionary and is not a vehicle to rehash rejected arguments or present new theories or evidence that could have been presented earlier.

PRECEDENTIAL VALUE	Unknown
PARTIES	Giselle Higuera, Administrator for the Estate of Anthony Alvarez and as mother of A.A., a minor v. City of Chicago, et al.

TOPICS

civil rights police misconduct municipal liability motion for reconsideration section 1983

PRACTICE AREAS

civil rights constitutional law civil procedure municipal liability

QUESTIONS PRESENTED

1. Whether the Supreme Court's decision in *Barnes v. Felix* required reconsideration of the dismissal of the excessive-force claim against Officer Encarnacion.
2. Whether *Barnes v. Felix* required reconsideration of the Monell claim concerning the City's alleged widespread practice of failing to discipline officers.
3. Whether the court should reconsider its prior order bifurcating discovery concerning the Monell claim.

HOLDINGS

1. *Barnes v. Felix* did not require reconsideration because it addressed the time period relevant to evaluating the reasonableness of a seizure, not what constitutes a seizure. A foot chase without physical force or submission to authority is not a seizure and, standing alone, cannot support a Fourth Amendment excessive-force claim.
2. *Barnes v. Felix* did not require reconsideration of the Monell claim because *Barnes* addressed the time period applicable to an excessive-force claim and did not address municipal liability under Monell.
3. Reconsideration of the bifurcation ruling was denied because Higuera merely repeated arguments previously heard and rejected and identified no new basis for reconsideration.

KEY QUOTATIONS

“For the foregoing reasons, Higuera’s motion for reconsideration is denied.” (11)

“A chase is not a seizure, so a chase (standing alone) cannot give rise to an excessive force claim.”

“The problem with Higuera’s excessive force claim against Officer Encarnacion isn’t the reasonableness of the seizure. The timing isn’t the problem, either. The problem is that there was no seizure by Officer Encarnacion at all.”

FACTUAL BACKGROUND

Chicago police officers Evan Solano and Sammy Encarnacion followed Anthony Alvarez, drove their unmarked squad car toward him, and pursued him on foot after he ran away. Solano encountered Alvarez in the front yard

of a home and fired five shots, striking Alvarez; Encarnacion arrived seconds later after Alvarez was already on the ground. A gun was found near Alvarez, and Alvarez later died. Higuera, acting for Alvarez's estate and as mother of a minor, sued the officers and the City, alleging excessive force, failure to intervene, and municipal-liability claims.

PROCEDURAL HISTORY

Higuera brought claims arising from the fatal shooting of Anthony Alvarez by Chicago police officers, including excessive force, failure to intervene, and Monell claims against the City. The court previously dismissed claims based on the foot chase, allowed an excessive-force claim against Officer Solano and a failure-to-intervene claim against Officer Encarnacion to proceed, and partially dismissed the Monell claim. After discovery began and the Supreme Court decided *Barnes v. Felix*, Higuera moved for reconsideration; the court denied the motion and noted that defendants' summary-judgment motion would be addressed separately.

DISPOSITION

other

CASES CITED

- *Barnes v. Felix*, 605 U.S. 73 (2025)
- *Savory v. Cannon*, 947 F.3d 409 (7th Cir. 2020)
- *Hawkins v. Mitchell*, 756 F.3d 983 (7th Cir. 2014)
- *California v. Hodari D.*, 499 U.S. 621 (1991)
- *Davis v. Allen*, 112 F.4th 487 (7th Cir. 2024)
- *Brumitt v. Smith*, 102 F.4th 444 (7th Cir. 2024)
- *Galvan v. Norberg*, 678 F.3d 581 (7th Cir. 2012)
- *Brodsky v. HumanaDental Ins. Co.*, 2016 WL 9212001 (N.D. Ill. 2016)
- *Wilkins v. Just Energy Grp. Inc.*, 2019 WL 1317756 (N.D. Ill. 2019)
- *Schilke v. Wachovia Mortg., FSB*, 758 F. Supp. 2d 549 (N.D. Ill. 2010)
- *Belbis v. County of Cook*, 2003 WL 187407 (N.D. Ill. 2003)
- *Publishers Res., Inc. v. Walker–Davis Publ’ns, Inc.*, 762 F.2d 557 (7th Cir. 1985)
- *United States v. Ligas*, 549 F.3d 497 (7th Cir. 2008)
- *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185 (7th Cir. 1990)
- *Patrick v. City of Chicago*, 103 F. Supp. 3d 907 (N.D. Ill. 2015)
- *Geraty v. Village of Antioch*, 2015 WL 127917 (N.D. Ill. 2015)
- *Quaker Alloy Casting Co. v. Gulfco Indus., Inc.*, 123 F.R.D. 282 (N.D. Ill. 1988)
- *Darvosh v. Lewis*, 2015 WL 5445411 (N.D. Ill. 2015)
- *Caisse Nationale de Credit Agricole v. CBI Indus., Inc.*, 90 F.3d 1264 (7th Cir. 1996)

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