

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, SPRINGFIELD DIVISION

Deshawn Powell v. Colleen Kervacs, et al.

Powell · No. 3:25-cv-03267-MMM · Decided January 16, 2026

SUMMARY

The United States District Court for the Central District of Illinois conducted a merit review under 28 U.S.C. § 1915A of Deshawn Powell’s pro se civil rights complaint concerning allegedly forged notary signatures on criminal charging documents. The court found that the allegations failed to state a federal claim, denied the motion to request counsel with leave to renew, and granted Powell 21 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Springfield Division
WRITING FOR THE COURT	Michael M. Mihm
JURISDICTION	United States District Court for the Central District of Illinois, Springfield Division
DECIDED	January 16, 2026
DOCKET	3:25-cv-03267-MMM
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 subjected to preliminary merit review under 28 U.S.C. § 1915A; the court also considered and denied plaintiff’s motion to request counsel.
STANDARD OF REVIEW	At § 1915A screening, the court accepts factual allegations as true and liberally construes them in the plaintiff’s favor, but conclusory statements and labels are insufficient; the complaint must state a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; district court order identified as a per curiam merit-review order.
PARTIES	Deshawn Powell v. Colleen Kervacs, Crysta Pipken, Kathern Lee, Anthony Smiddy, Thomas Maddox

TOPICS

section 1983

prisoners rights

civil rights

pleadings

civil procedure

PRACTICE AREAS

civil rights

prisoner civil rights

federal civil procedure

pro se litigation

QUESTIONS PRESENTED

1. Whether Powell's allegations regarding allegedly forged notary signatures on charging documents stated a claim for relief under 42 U.S.C. § 1983.
2. Whether any claim challenging the validity of Powell's conviction was barred unless and until the conviction was overturned or invalidated.
3. Whether Powell was entitled to appointment or recruitment of pro bono counsel.
4. Whether Powell should be granted leave to amend after the complaint failed merit review.

HOLDINGS

1. The allegations did not state a claim for relief because Powell identified no federal-law requirement that a charging instrument be notarized, did not allege that a charging instrument was factually false or that he was detained without probable cause, and did not adequately allege the other defendants' personal involvement.
2. To the extent Powell sought to challenge the validity of his conviction, the claim was barred unless and until the conviction was overturned or invalidated.
3. The motion to request counsel was denied with leave to renew because Powell had not shown a reasonable attempt to obtain counsel and had not indicated that he was effectively precluded from doing so.
4. Powell was allowed 21 days to file an amended complaint consistent with the order; if he did not amend, the lawsuit would be dismissed without prejudice.

KEY QUOTATIONS

“The most that the Court may do is to ask for volunteer counsel.”

“Plaintiff's allegations do not state a claim for relief.”

FACTUAL BACKGROUND

Powell, incarcerated at Vandalia Correctional Center, alleged that between April 16 and May 15, 2025, Sergeant Colleen Kervacs forged notary Crysta Pipken's signature on charging documents used for numerous criminal defendants in Sangamon County. He did not allege that any charging instrument was factually false or that he was detained without probable cause, and he did not clearly identify the specific wrongdoing of the other defendants. He also sought criminal charges against the defendants and alleged potential harm to other persons and the community.

PROCEDURAL HISTORY

Powell filed a complaint alleging that a police sergeant forged a notary's signature on charging documents and asserting related claims against police officers, notaries, and an assistant state's attorney. On merit review, the court found that the allegations failed to state a claim, denied the request for counsel with leave to renew, and granted Powell 21 days to amend; absent an amended complaint, the action would be dismissed without prejudice.

DISPOSITION

other

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- Whitfield v. Howard, 852 F.3d 656, 658 (7th Cir. 2017)
- Pruitt v. Mote, 503 F.3d 647, 653-55 (7th Cir. 2007)
- Jackson v. County of McLean, 953 F.2d 1070, 1071 (7th Cir. 1992)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS SPRINGFIELD DIVISION DESHAWN POWELL,)) Plaintiff,)) v.) 3:25-cv-03267-MMM) COLLEEN KERVACS, et al.)) Defendants.) ORDER Plaintiff, proceeding pro se under 42 U.S.C. § 1983, presently incarcerated at Vandalia Correctional Center, asserts claims based on actions of Springfield Police Officers, Notary Publics, and an Assistant Sangamon County State's Attorney.

I. MERIT REVIEW The case is before the Court for a merit review of Plaintiff's complaint. The Court must "screen" Plaintiff's complaint, and through such process identify and dismiss any legally insufficient claim. 28 U.S.C. § 1915A. A claim is legally insufficient if it "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." *Id.* The Court accepts the factual allegations as true, liberally construing them in the plaintiff's favor.

Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013). Conclusory statements and labels are insufficient—the facts alleged must "state a claim for relief that is plausible on its face." *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir. 2013) (citation omitted). Plaintiff names as Defendants Springfield Police Sergeant Colleen Kervacs, Notary Public Crysta Pipken, Notary Public Kathern Lee, Springfield Police Sergeant Anthony Smiddy, and Assistant State's Attorney Thomas Maddox.

Plaintiff alleges that from April 16, 2025, through May 15, 2025, Sgt. Kervacs forged notary Pipken's signature on charging documents. He alleges this occurred as to numerous criminal defendants in Sangamon County, resulting in detention of defendants based on non-valid

instruments. Aside from this allegation against Kervacs, it is unclear the other named Defendants' specific alleged involvement or wrongdoing.

Plaintiff is in prison, apparently having been convicted on charges out of Sangamon County. He seeks criminal charges against Defendants and includes allegations about potential harm to others and the community related to copying of notary signatures on charging documents. Plaintiff's allegations do not state a claim. This Court is unaware of any requirement under federal law that a charging instrument be notarized at all.

And Plaintiff does not allege that any charging instrument was factually false such that Plaintiff was knowingly caused to be detained in the absence of probable cause that a crime had been committed. Violations of state laws, policies, and practices do not equate to violations of the United States Constitution.

Finally, to the extent Plaintiff seeks to allege that he was improperly convicted, any such claim is barred unless and until his conviction is overturned or invalidated. See *Whitfield v. Howard*, 852 F.3d 656, 658 (7th Cir. 2017). II. REQUEST FOR COUNSEL This Court does not have the authority to require an attorney to accept pro bono appointments on civil cases such as this.

Pruitt v. Mote, 503 F.3d 647, 653 (7th Cir. 2007). The most that the Court may do is to ask for volunteer counsel. *Jackson v. County of McLean*, 953 F.2d 1070, 1071 (7th Cir. 1992) ("... civil litigants have no constitutional or statutory right to be represented by counsel in federal court.").

The Court must determine: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, if the plaintiff appears competent to litigate it himself. *Pruitt*, 503 F.3d at 654–55. Plaintiff has not made a reasonable attempt to find counsel on his own and has not indicated that he is being prevented from doing so.

First, there is no indication that Plaintiff does not have access to writing materials and to the mail. He has been in communication with the Court without apparent issue in this basic regard. Second, parties typically show they have made a reasonable attempt to find counsel by writing to several law firms that practice civil rights law on behalf of prisoners, explaining the specifics of this lawsuit, and asking for representation.

Copies of those letters sent along with copies of the responses received may then be filed with any renewed motion to request counsel. Any renewed motion should also explain any specifics as to Plaintiff's ability to litigate this case, including his education, legal experience, and any other issues that bear on his ability to represent himself. IT IS THEREFORE ORDERED: 1.

Plaintiff's Motion to Request Counsel [4] is DENIED with leave to renew as stated above. 2. Pursuant to its merit review of the Complaint under 28 U.S.C. § 1915A, the Court finds that

Plaintiff's allegations do not state a claim for relief. Plaintiff is allowed 21 days to file an amended complaint if he believes he can do so consistent with this Order. If Plaintiff does not file an amended complaint then this lawsuit will be dismissed without prejudice.

Entered this 16th day of January, 2026. s/Michael M. Mihm MICHAEL M. MIHM UNITED STATES DISTRICT JUDGE