

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)