

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS

Cooper v. Smith

936 F. Supp. 515 (N.D. Ill. 1996) · Decided August 27, 1996

SUMMARY

The court granted defendants’ motions to dismiss Kevin Cooper’s 42 U.S.C. § 1983 claims arising from his arrest, prosecution, and searches of his home. It dismissed with prejudice the claims for cruel and unusual punishment and malicious prosecution, and dismissed without prejudice the claims for false imprisonment and illegal search and seizure, allowing Cooper leave to amend. The court also dismissed the official-capacity claim against Matt Rodriguez, treating it as a claim against the City of Chicago.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois
WRITING FOR THE COURT	Alesia, District Judge
JURISDICTION	Illinois
DECIDED	August 27, 1996
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 1983 alleging cruel and unusual punishment, malicious prosecution, false imprisonment, and illegal search and seizure. 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 allegations as true and draws reasonable inferences in the plaintiff's favor. Dismissal is proper when, viewing the complaint in the light most favorable to the plaintiff, it fails to state a claim; under the standard stated by the court, dismissal was proper only if it appeared beyond doubt that the plaintiff could prove no set of facts entitling him to relief.
PRECEDENTIAL VALUE	Published federal district court memorandum opinion; persuasive authority within the Northern District of Illinois and not binding precedent outside the court.

PARTIES

Kevin Cooper v. Matt Rodriguez, Ronald C. Smith, Marsha R. Askew, Darlene D. Wicht, Gregory Williamson, Joseph Lux, Robert Loughran, Bernard Pistello, Debra Mzorek

TOPICS

section 1983 motions to dismiss civil procedure fourth amendment cruel and unusual punishment

PRACTICE AREAS

civil rights litigation constitutional law federal civil procedure municipal liability criminal procedure

QUESTIONS PRESENTED

1. Whether Cooper adequately pleaded an official-capacity claim against Rodriguez under section 1983.
2. Whether the Eighth Amendment applied to Cooper's treatment while he was under arrest but had not yet been convicted.
3. Whether Cooper adequately pleaded a section 1983 malicious-prosecution claim when the underlying proceedings resulted in his conviction.
4. Whether Cooper adequately pleaded false imprisonment under Federal Rule of Civil Procedure 8(a)(2).
5. Whether Cooper adequately pleaded an illegal-search-and-seizure claim where the complaint did not clearly identify the searches, their timing, the existence of a warrant, or when the gun was found.

HOLDINGS

1. An official-capacity section 1983 claim requires allegations that a policy, custom, or practice of the governmental entity was the moving force behind the constitutional deprivation. Cooper's allegations instead asserted that officers violated department policies and therefore failed to state an official-capacity claim against Rodriguez or the City of Chicago.
2. The Eighth Amendment does not apply to alleged mistreatment occurring at the time of arrest before a formal adjudication of guilt. Cooper therefore could not state an Eighth Amendment cruel-and-unusual-punishment claim based on being handcuffed in a police van after arrest.
3. A section 1983 malicious-prosecution claim in this context requires satisfaction of the elements of an Illinois malicious-prosecution action, including favorable termination of the proceedings. Because Cooper was convicted in the proceedings arising from the arrest, he could not establish favorable termination and failed to state a claim.
4. A complaint must provide fair notice of the nature of a false-imprisonment claim and the grounds on which it rests. Cooper's conclusory allegation did not identify the factual basis or the defendants responsible, but the defect might be curable; dismissal without prejudice with leave to amend was appropriate.
5. A complaint alleging an unconstitutional search and seizure must identify facts sufficient to permit evaluation of the search or searches, including their timing, whether a warrant existed, and the

circumstances under which evidence was found. Cooper's ambiguous allegations did not provide fair notice, but the deficiencies might be cured by amendment; dismissal without prejudice with leave to amend was appropriate.

KEY QUOTATIONS

“A section 1983 plaintiff suing a government official in his official capacity and therefore seeking to hold the government entity liable must show that the government entity was a “moving force” behind the deprivation.” (518)

“Thus, to maintain an official capacity claim under section 1983, a plaintiff must allege that a policy, custom, or practice of the government entity deprived the plaintiff of a constitutionally protected interest.” (518)

“The Eighth Amendment applies only after the state “has complied with the constitutional guarantees traditionally associated with criminal prosecutions.”” (518)

“Exigent circumstances exist when there is a “compelling need for official action and no time to secure a warrant.”” (520)

FACTUAL BACKGROUND

Cooper alleged that police officers entered his home after he told them they could not enter, arrested him, searched the home, and later produced a gun they claimed to have found there. He alleged that officers used tainted evidence, false testimony, concealed favorable evidence, prepared tainted reports, and manufactured evidence in connection with his prosecution. Cooper was convicted in case number 94 CR 9274 of the offenses arising from the incident and was serving a 30-year sentence.

PROCEDURAL HISTORY

The action was before the Northern District of Illinois on two motions to dismiss. The court dismissed the official-capacity claims against Rodriguez with prejudice and dismissed the cruel-and-unusual-punishment and malicious-prosecution claims with prejudice. It dismissed the false-imprisonment and illegal-search-and-seizure claims without prejudice and granted Cooper leave to amend within 20 days.

DISPOSITION

other

CASES CITED

- Ellsworth v. City of Racine, 774 F.2d 182, 184 (7th Cir. 1985)
- Gomez v. Illinois State Board of Education, 811 F.2d 1030, 1039 (7th Cir. 1987)
- Conley v. Gibson, 355 U.S. 41, 45-47 (1957)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 690-91, 694 (1978)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Polk County v. Dodson, 454 U.S. 312, 326 (1981)

- *McTigue v. City of Chicago*, 60 F.3d 381, 382 (7th Cir. 1995)
- *Ingraham v. Wright*, 430 U.S. 651, 671 n. 40 (1977)
- *United States v. Lovett*, 328 U.S. 303, 317-18 (1946)
- *Reed v. City of Chicago*, 77 F.3d 1049, 1051 (7th Cir. 1996)
- *Smart v. Board of Trustees of University of Illinois*, 34 F.3d 432, 434 (7th Cir. 1994)
- *Curtis v. Bembenek*, 48 F.3d 281, 286 (7th Cir. 1995)
- *United States v. DeSoto*, 885 F.2d 354, 368 (7th Cir. 1989)
- *Katz v. United States*, 389 U.S. 347, 357 (1967)
- *United States v. Rivera*, 825 F.2d 152, 156 (7th Cir. 1987)
- *Michigan v. Tyler*, 436 U.S. 499, 509 (1978)
- *United States v. McNeal*, 77 F.3d 938, 945-46 (7th Cir. 1996)
- *Reese v. Chicago Police Department*, 602 F. Supp. 441, 443 (N.D. Ill. 1984)