

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

Davenport v. Bisignano

Davenport · No. 23-cv-4918 · Decided March 19, 2026

SUMMARY

The court grants the Commissioner of Social Security’s motion to dismiss a pro se plaintiff’s constitutional claims arising from the denial or mishandling of several applications for disability benefits. It holds that sovereign immunity and the inapplicability of 42 U.S.C. § 1983 to federal actors deprive the court of jurisdiction, and that the claims are also barred or unsupported because of res judicata and failure to exhaust administrative remedies. The amended complaint is dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Laura K. McNally
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 19, 2026
DOCKET	23-cv-4918
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's amended complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject matter jurisdiction, and the court may consider evidence outside the pleadings when determining its jurisdiction. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences for the plaintiff, and asks whether the complaint states a facially plausible claim for relief. Pro se pleadings are liberally construed but must still allege more than labels, conclusions, or speculation.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reporter citation in the source.

PARTIES

Louise Davenport v. Frank Bisignano, Commissioner of Social Security

TOPICS

motions to dismiss

subject matter jurisdiction

sovereign immunity

section 1983

civil procedure

PRACTICE AREAS

civil procedure

federal courts

Social Security benefits

constitutional torts

sovereign immunity

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction over Plaintiff's constitutional claims for damages against the Commissioner and the Social Security Administration.
2. Whether 42 U.S.C. § 1983 authorizes Plaintiff's claims against federal actors.
3. Whether Plaintiff stated a cognizable constitutional damages claim under the Constitution or the Federal Tort Claims Act.
4. Whether Plaintiff's claims concerning previously adjudicated disability applications were barred by res judicata.
5. Whether Plaintiff's claims concerning later disability applications were barred by failure to exhaust administrative remedies.
6. Whether dismissal with prejudice was appropriate because the defects in the complaint could not be cured by further pleading.

HOLDINGS

1. Claims for money damages against the United States, its agencies, and officers sued in their official capacities are barred by sovereign immunity absent an unequivocally expressed waiver. Plaintiff's constitutional damages claims against the Social Security Administration therefore fell outside the court's subject matter jurisdiction.
2. Section 1983 does not provide a cause of action against federal actors because it applies to conduct under color of state law, not federal law.
3. A plaintiff may not maintain an implied Fifth Amendment due process damages action against Social Security officials based on the alleged wrongful denial of disability benefits where Congress has provided a comprehensive statutory review scheme.
4. The Federal Tort Claims Act does not waive sovereign immunity for constitutional tort claims.
5. Judicial review of a Social Security benefits decision is generally available only under 42 U.S.C. § 405(g) after the claimant receives a final decision from the Commissioner through the administrative-review process. Plaintiff's claims concerning her later applications were barred because she did not obtain ALJ decisions or seek Appeals Council review.

6. Plaintiff's claims concerning her first two disability applications were barred by res judicata because those claims had already been fully adjudicated and the prior denials had been affirmed on appeal.

KEY QUOTATIONS

“Claims for money damages against the federal government for constitutional torts are barred by the doctrine of sovereign immunity.” (Section III.A)

“Review pursuant to Section 405(g) is available only after a claimant receives a “final decision” on her claim from the Commissioner of Social Security, which generally occurs after a four-step administrative review process.” (Section III.B)

FACTUAL BACKGROUND

Louise Davenport alleged that the Social Security Administration mishandled or denied five disability-benefit applications dating back to 2001 because of fraud, identity theft, and improper influence by a third party. She sought nearly \$180,000 in damages for benefits she believed she was owed. Her first two applications had been resolved in prior administrative and judicial proceedings, while she did not complete the administrative-review process for her later applications. In one later proceeding, the agency found her disabled but denied the award after she failed to provide information needed to establish financial eligibility.

PROCEDURAL HISTORY

Plaintiff filed an action on July 27, 2023, and an amended complaint on August 21, 2023, challenging the handling and denial of several Social Security disability-benefit applications. The Commissioner moved to dismiss. The district court granted the motion, concluding that it lacked subject matter jurisdiction over Plaintiff's constitutional damages claims and that the complaint also failed to state a plausible claim because of sovereign immunity, res judicata, and failure to exhaust administrative remedies. The dismissal was with prejudice.

DISPOSITION

dismissed

CASES CITED

- Davenport v. Astrue, 417 F. App'x 544, 545 (7th Cir. 2011)
- Davenport v. Berryhill, 721 F. App'x 524, 525–27 (7th Cir. 2018)
- Del Vecchio v. Conseco, Inc., 230 F.3d 974, 980 (7th Cir. 2000)
- Bazile v. Financial Systems of Green Bay, Inc., 983 F.3d 274, 278–79 (7th Cir. 2020)
- Hallinan v. Fraternal Order of Police of Chicago Lodge No. 7, 570 F.3d 811, 820 (7th Cir. 2009)
- Fosnight v. Jones, 41 F.4th 916, 921–22 (7th Cir. 2022)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Center for Dermatology & Skin Cancer, Ltd. v. Burwell, 770 F.3d 586, 588 (7th Cir. 2014)

- Johnson v. Prentice, 29 F.4th 895, 903 (7th Cir. 2022)
- Brockett v. Effingham County, 116 F.4th 680, 685 (7th Cir. 2024)
- Hudson v. McHugh, 148 F.3d 859, 864 (7th Cir. 1998)
- Hercules, Inc. v. United States, 516 U.S. 417, 422 (1996)
- F.D.I.C. v. Meyer, 510 U.S. 471 (1994)
- United States v. Idaho, 508 U.S. 1, 6–7 (1993)
- Akbar v. Interstate Realty Management Co., 2022 WL 4286498, at *2 (7th Cir. 2022)
- L.P. v. Marian Catholic High School, 852 F.3d 690, 697 (7th Cir. 2017)
- Schweiker v. Chilicky, 487 U.S. 412, 423–25 (1988)
- Slabon v. Berryhill, 751 F. App'x 928, 929 (7th Cir. 2019)
- Thomas v. Berryhill, 676 F. App'x 588, 590 (7th Cir. 2017)
- Groves v. Apfel, 148 F.3d 809, 810 (7th Cir. 1998)
- Markin v. Chebemma, Inc., 2010 WL 1191868, at *5 (N.D. Ill. 2010)
- General Electric Capital Corp. v. Lease Resolution Corp., 128 F.3d 1074, 1080 (7th Cir. 1997)
- Opoka v. INS, 94 F.3d 392, 394 (7th Cir. 1996)