

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Russell Allen Brown v. Sean Featherstun, Blake Jennings, Brian Merrell, Grace Gray, Randy Pollard, Judge Jerry E. Crisel, Judge Johanna Beth Webber, Troy Hails, Aaron Johnson, John Martin Keoughan, Jason Herzig, Scott Rosenblum, Benedict Song, Thomas M. Maag

Brown · No. 25-cv-1718-DWD · Decided June 3, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Russell Allen Brown’s second amended 42 U.S.C. § 1983 complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). The court held that several defendants were protected by prosecutorial, judicial, defense-counsel, or potentially court-clerk immunity, and that the remaining allegations concerning a search and seizure were insufficiently specific. The court also denied Brown’s motion to proceed in forma pauperis and several pending motions, entered judgment, and closed the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	June 3, 2026
DOCKET	25-cv-1718-DWD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a second amended civil-rights complaint filed by an individual seeking leave to proceed in forma pauperis under 28 U.S.C. § 1915.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court screened the pleading to determine whether it stated a plausible claim, was frivolous or malicious, or sought damages from an immune defendant.
PRECEDENTIAL VALUE	unpublished

PARTIES

Russell Allen Brown v. Sean Featherstun, Blake Jennings, Brian Merrell, Grace Gray, Randy Pollard, Judge Jerry E. Crisel, Judge Johanna Beth Webber, Troy Hails, Aaron Johnson, John Martin Keoughan, Jason Herzig, Scott Rosenblum, Benedict Song, Thomas M. Maag

TOPICS

section 1983 civil rights pleadings civil procedure motions to dismiss

PRACTICE AREAS

Civil rights Federal civil procedure Constitutional law

QUESTIONS PRESENTED

1. Whether Brown's second amended complaint stated a claim under 42 U.S.C. § 1983 sufficient to survive screening under 28 U.S.C. § 1915(e)(2)(B).
2. Whether several defendants were immune from suit for acts performed within their traditional prosecutorial, defense-counsel, judicial, or court-clerk functions.
3. Whether Brown's later motions, supplements, and proposed supplement could be used to amend the operative complaint piecemeal.
4. Whether further leave to amend should be granted after Brown had been given three opportunities to cure the pleading deficiencies.

HOLDINGS

1. The second amended complaint failed to state a valid constitutional claim and was dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Prosecutors and a law student acting in prosecutorial functions, defense attorneys acting in their traditional functions, judges acting in their judicial roles, and a court clerk performing administrative court functions may be protected by absolute immunity.
3. Piecemeal amendments and supplemental filings do not properly amend the operative complaint, and the court declined to consider the later filings as altering the substantive analysis.
4. Further leave to amend was denied because Brown had already received three opportunities to state his claims and additional amendment would be futile.

KEY QUOTATIONS

“The Court has given Plaintiff three opportunities to more clearly state his claims, and he has failed. Thus, the lawsuit will now be dismissed in full for failure to state a claim.” (Discussion)

“This influx of pleadings is not an appropriate way to amend allegations made in this case, and substantively, the assertions in the copious supplements do not strengthen Plaintiff’s underlying theories.” (Discussion)

FACTUAL BACKGROUND

Brown alleged that state-court officials, prosecutors, defense attorneys, judges, law-enforcement officers, and others violated his constitutional rights in connection with an ongoing Illinois criminal prosecution. He challenged the treatment of a 2005 conviction, a March 2024 search and alleged eavesdropping, the seizure of more than \$12,000, alleged misconduct by attorneys and prosecutors, and a fitness evaluation. Brown sought damages, declaratory and injunctive relief, and return of the seized money.

PROCEDURAL HISTORY

Brown filed a § 1983 action challenging an ongoing Illinois criminal prosecution. The initial complaint and first amended complaint were dismissed as insufficient, after which Brown filed a timely second amended complaint. The district court dismissed the second amended complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), denied in forma pauperis status and several pending motions, and directed the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Smith v. Power, 346 F.3d 740, 742 (7th Cir. 2003)
- Polk County v. Dodson, 454 U.S. 312, 325 (1981)
- Dawson v. Newman, 419 F.3d 656, 660-61 (7th Cir. 2005)
- Kincaid v. Vail, 969 F.2d 594, 600-01 (7th Cir. 1992)
- Spreck v. U.S. Veterans Admin., 67 F. App'x 963, 964 (7th Cir. 2003)
- Purnell v. Ill. Dep't of Corr., 2020 WL 5038589, at *1 (S.D. Ill. Aug. 26, 2020)
- Flannery v. Recording Indus. Ass'n of Am., 354 F.3d 632, 638 n.1 (7th Cir. 2004)
- Zimmerman v. Bornick, 25 F.4th 491, 494 (7th Cir. 2022)
- Always Towing & Recovery Inc. v. City of Milwaukee, Always Towing & Recovery, Inc. v. City of Milwaukee, 2 F.4th 695, 707 (7th Cir. 2021)
- McCree v. Grissom, 657 F.3d 623, 624 (7th Cir. 2011)
- Ammons v. Gerlinger, 547 F.3d 724, 725-26 (7th Cir. 2008)