

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

Keith Powell v. Village of Homewood, et al.

Powell · No. No. 23-cv-14098 · Decided April 9, 2026

SUMMARY

The United States District Court for the Northern District of Illinois grants the defendants’ motion for summary judgment in Keith Powell’s civil-rights action arising from a police response to an overnight disturbance. The court rejects Powell’s municipal-liability claims under 42 U.S.C. § 1983, including equal-protection and Monell claims, and addresses claims under Title VI, § 1981, § 1986, the First Amendment, and the Illinois Civil Rights Act. The court denies the defendants’ motion to strike.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	April M. Perry
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	April 9, 2026
DOCKET	No. 23-cv-14098
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on all remaining claims and moved to strike Plaintiff’s noncompliant summary-judgment materials. The district court granted summary judgment for Defendants and denied the motion to strike.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court viewed the facts in the light most favorable to Plaintiff and drew reasonable inferences in his favor, but did not draw inferences based only on speculation or conjecture. At summary judgment, the party bearing the burden of proof must identify evidence showing a genuine issue for trial.
PRECEDENTIAL VALUE	District court opinion; persuasive authority only outside the case.

PARTIES

Keith Powell v. Village of Homewood, Robert Misner, Craig Sline

TOPICS

summary judgment

section 1983

municipal liability

equal protection

civil rights

PRACTICE AREAS

civil rights

constitutional law

municipal liability

civil procedure

employment and public-sector discrimination

QUESTIONS PRESENTED

1. Whether Plaintiff had Article III standing to challenge the police department's failure to arrest or prosecute a third party and to pursue claims based on the alleged denial of equal protection and revocation of his FOID card.
2. Whether the Village could be held liable under 42 U.S.C. § 1983 for alleged equal-protection violations based on respondeat superior, an express policy, a widespread practice, or action by a final policymaker.
3. Whether Plaintiff presented evidence of a specific pattern or series of similar constitutional violations sufficient to support a Monell claim.
4. Whether Plaintiff established the federal-funding element of his Title VI claim.
5. Whether Plaintiff presented evidence that his protected speech was a motivating factor in the filing of the Clear and Present Danger Report, despite Defendants' evidence that the report was required by the Illinois FOID Act.
6. Whether Plaintiff established a viable claim under § 1981 for unequal protection of the laws.
7. Whether Plaintiff presented evidence of intentional race or national-origin discrimination supporting his Illinois Civil Rights Act, equal-protection conspiracy, and disparate-treatment theories.
8. Whether Plaintiff presented evidence that Sline and Misner agreed to violate his constitutional rights.
9. Whether Defendants' motion to strike Plaintiff's noncompliant summary-judgment responses should be granted.

HOLDINGS

1. Plaintiff lacked standing to assert an injury based solely on the failure to arrest or prosecute Hoefler, but the alleged denial of equal protection in the provision of police protection and the revocation of Plaintiff's FOID card were sufficient to confer standing for the claims as pleaded.
2. The Village was entitled to summary judgment because Plaintiff relied on respondeat superior and identified no express discriminatory policy, widespread practice, or final policymaker whose action caused the alleged constitutional injury.
3. Plaintiff failed to establish a viable Monell claim because the four alleged comparator incidents were not sufficiently similar to the asserted constitutional violations and did not demonstrate a specific pattern or

series of incidents.

4. The Village was entitled to summary judgment on the Title VI claim because Plaintiff failed to identify any federally funded program or activity from which the alleged discrimination arose.
5. Plaintiff's criticism of the officers' handling of the incident constituted protected activity and the FOID Report could qualify as a deterrent deprivation, but Plaintiff failed to show that his protected speech motivated the report or that Defendants' stated reason was pretextual.
6. Defendants were entitled to summary judgment on the § 1981 claim because the alleged nonprosecution of Hoefler did not create a cognizable injury, and Plaintiff presented no evidence of intentional racial discrimination in the equal benefit of the laws.
7. Plaintiff failed to establish intentional race or national-origin discrimination because he identified no evidence that Defendants' nondiscriminatory explanations were pretextual, that White residents received better treatment in comparable circumstances, or that the FOID Report was filed selectively.
8. Plaintiff's conspiracy claim failed because he identified no evidence that Sline and Misner agreed to engage in improper conduct.

KEY QUOTATIONS

“Summary judgment is proper when the movant shows that there is no genuine dispute of material fact such that the movant is entitled to judgment as a matter of law.”

“Judges are not like pigs, hunting for truffles buried in briefs.”

“municipalities are answerable only for their own decisions and policies; they are not vicariously liable for the constitutional torts of their agents.”

FACTUAL BACKGROUND

Shortly after midnight, an intoxicated man, Kyle Hoefler, repeatedly banged on Powell's door. When police arrived, Powell exited his home holding a loaded firearm and repeatedly threatened to kill Hoefler, while Sergeant Craig Sline drew his weapon and ordered Powell to put his gun down. Sline determined that Hoefler was intoxicated and did not arrest him, but Sline later filed an Illinois FOID Act Clear and Present Danger Report concerning Powell, which led to revocation of Powell's FOID card. Powell alleged that the police response and report were racially discriminatory and retaliatory, but the court found no evidence of a discriminatory policy, comparable incidents establishing a pattern, pretext, or an agreement to violate his rights.

PROCEDURAL HISTORY

Powell brought claims under 42 U.S.C. §§ 1983, 1981, and 1986, Title VI, and the Illinois Civil Rights Act. The court had previously dismissed several counts and claims against three defendants, leaving Counts I, II, III, V, VI, VII, VIII, and IX. After discovery, Defendants moved for summary judgment. The court considered Plaintiff's filings only to the extent they cited relevant record evidence, granted summary judgment on all remaining claims, and denied the motion to strike.

DISPOSITION

CASES CITED

- Joll v. Valparaiso Community Schools, 953 F.3d 923, 924-25 (7th Cir. 2020)
- Delapaz v. Richardson, 634 F.3d 895, 899 (7th Cir. 2011)
- United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991)
- Ammons v. Aramark Uniform Services, Inc., 368 F.3d 809, 817 (7th Cir. 2004)
- Stevo v. Frasor, 662 F.3d 880, 886-87 (7th Cir. 2011)
- Royston v. DeJoy, No. 1:18-CV-01697, 2021 WL 4502217, at *4-5 (N.D. Ill. Sept. 30, 2021)
- Jackson v. Northwestern Memorial Hospital, No. 19-CV-4924, 2023 WL 5934894, at *2-3 (N.D. Ill. Sept. 12, 2023)
- WSP USA Inc. v. Nautilus Insurance Co., No. 19-CV-6731, 2023 WL 3226195 (N.D. Ill. May 2, 2023)
- Lauten v. Village of Lisle, No. 18-CV-05943, 2022 WL 4465968 (N.D. Ill. Sept. 26, 2022)
- Johnson v. Joliet Junior College, No. 06-CV-2135, 2009 WL 674357 (N.D. Ill. Mar. 13, 2009)
- Curtis v. Costco Wholesale Corp., 807 F.3d 215, 218 (7th Cir. 2015)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- Spuhler v. State Collection Service, Inc., 983 F.3d 282, 285-86 (7th Cir. 2020)
- United States v. Hays, 515 U.S. 737, 742 (1995)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 197 n.3 (1989)
- Nabozny v. Podlesny, 92 F.3d 446, 456 n.7 (7th Cir. 1996)
- Bowers v. DeVito, 686 F.2d 616, 618 (7th Cir. 1982)
- Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978)
- Houskins v. Sheahan, 549 F.3d 480, 493 (7th Cir. 2008)
- Walker v. Sheahan, 526 F.3d 973, 977 (7th Cir. 2008)
- Eversole v. Steele, 59 F.3d 710, 715-16 (7th Cir. 1995)
- Parker v. Franklin County Community School Corp., 667 F.3d 910, 917 (7th Cir. 2012)
- Siegel v. Shell Oil Co., 612 F.3d 932, 937 (7th Cir. 2010)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Swetlik v. Crawford, 738 F.3d 818, 829 (7th Cir. 2013)
- Nelson v. City of Chicago, 992 F.3d 599, 607 (7th Cir. 2021)
- Dean v. Wexford Health Sources, Inc., 18 F.4th 214, 234 (7th Cir. 2021)
- Flores v. City of South Bend, 997 F.3d 725, 733 (7th Cir. 2021)
- Woodruff v. Mason, 542 F.3d 545, 551 (7th Cir. 2008)

- Bless v. Cook County Sheriff's Office, 9 F.4th 565, 573 (7th Cir. 2021)
- Counterman v. Colorado, 600 U.S. 66, 72 (2023)
- Campbell v. Forest Preserve District of Cook County, 752 F.3d 665, 670 (7th Cir. 2014)
- Morris v. Office Max, Inc., 89 F.3d 411, 413 (7th Cir. 1996)
- Alamo v. Bliss, 864 F.3d 541, 552 (7th Cir. 2017)
- Greer v. Amesqua, 212 F.3d 358, 370 (7th Cir. 2000)
- McCann v. Badger Mining Corp., 965 F.3d 578, 592 (7th Cir. 2020)
- Bombliss v. County of Lee, 23 F.3d 410 (7th Cir. 1994)

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