

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

**Eric L. Wakefield v. Franklin County Sheriff Department, David
Bartoni, and Kyle Bacon; Eric L. Wakefield v. Franklin County Jail,
Anthony Skobel, S. Barra, Kieth Lampley, Matt Pemberton, Ann
Lytle, Frankie Valesquez, John Wheatley, Megan Duiguin, Mallory
Kelley, Kenny Jacobs, Gage Darnell, Patricia Jackson, Gerald Dorris,
Casey Jackson, Jacob Bartoni, and Zane Young**

No. 22-cv-1766-JPG; 22-cv-1768-JPG, United States District Court for the Southern District of Illinois (January
29, 2026)

SUMMARY

The court denied Wakefield’s first motion for sanctions against former and opposing counsel, concluding that the alleged conduct did not establish constitutional or professional violations. The court struck his second pro se sanctions motion because he was represented by counsel and directed the Clerk to refuse future pro se filings from him while represented.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	J. Phil Gilbert
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 29, 2026
DOCKET	22-cv-1766-JPG; 22-cv-1768-JPG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed two motions for sanctions against former appointed counsel and opposing counsel. The court denied the first motion and struck the second because it was filed pro se while plaintiff was represented by counsel.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order

TOPICS

- sanctions
- civil procedure
- section 1983
- civil rights
- state action

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner litigation

Legal ethics and attorney conduct

QUESTIONS PRESENTED

1. Whether plaintiff's first motion for sanctions stated a basis for sanctions against his former attorneys or opposing counsel.
2. Whether a represented party may file a pro se motion and, if not, whether the court may strike that motion and reject future pro se filings.

HOLDINGS

1. The first motion for sanctions was denied because plaintiff alleged no facts establishing a constitutional violation by private counsel, a violation of professional-conduct rules, or a breach of the attorney-client privilege.
2. A litigant represented by counsel may not file pro se submissions in the same proceeding, and the court may strike such a submission as improper.

KEY QUOTATIONS

"Representation by counsel and self-representation are mutually exclusive."

FACTUAL BACKGROUND

Plaintiff alleged that his former attorneys recorded a telephone conversation, neglected his case, concealed evidence, and committed other unspecified wrongs. He filed his first motion while unrepresented, but filed the second motion after new counsel had entered an appearance and while he was represented. The court found no facts showing that the former attorneys acted in concert with government actors or violated a professional-conduct rule or attorney-client privilege.

PROCEDURAL HISTORY

Former assigned counsel Kathryn Boyle and Alyssa Weitkamp had been relieved, and plaintiff filed his first sanctions motion during the period before replacement counsel appeared. Replacement counsel entered an appearance on January 8, 2026, after which plaintiff filed a second pro se sanctions motion on January 16, 2026. The court denied the first motion, struck the second, and directed the clerk to reject future pro se filings from plaintiff while he remained represented.

DISPOSITION

other

CASES CITED

- United States v. Khatib, 606 F. App'x 845, 847 (7th Cir. 2015)
- United States v. Williams, 495 F.3d 810, 813 (7th Cir. 2007)

- Cain v. Peters, 972 F.2d 748, 750 (7th Cir. 1992)
- United States v. Oreye, 263 F.3d 669, 672-73 (7th Cir. 2001)
- United States v. Gwiazdzinski, 141 F.3d 784, 787 (7th Cir. 1998)

OPINION

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS ERIC L. WAKEFIELD, Plaintiff, v. Case No. 22-cv-1766-JPG FRANKLIN COUNTY SHERIFF DEPARTMENT, DAVID BARTONI, and KYLE BACON, Defendants. ERIC L. WAKEFIELD, Plaintiff, v. Case No. 22-cv-1768-JPG FRANKLIN COUNTY JAIL, ANTHONY SKOBEL, S. BARRA, KIETH LAMPLEY, MATT PEMBERTON, ANN LYTLE, FRANKIE VALESQUEZ, JOHN WHEATLEY, MEGAN DUIGUIN, MALLORY KELLEY, KENNY JACOBS, GAGE DARNELL, PATRICIA JACKSON, GERALD DORRIS, CASEY JACKSON, JACOB BARTONI, and ZANE YOUNG, Defendants MEMORANDUM AND ORDER This matter comes before the Court on two motions filed by plaintiff Eric L. Wakefield for sanctions against his former assigned counsel Kathryn Boyle and Alyssa Weitkamp and opposing counsel Joseph Bleyer (Docs.

97 & 102). I. First Motion (Doc. 97) The Court will consider Wakefield's first motion because he filed it during a period where he was not represented by counsel. Boyle and Weitkamp had been relieved of their assignment, and Wakefield's new counsel had not yet appeared. Wakefield faults Boyle and Weitkamp for recording a telephone conversation they had with him and neglecting his case in some unspecified way.

He also faults his counsel and opposing counsel for concealing evidence. He asserts many other wrongs without any specific factual allegations. To the extent Wakefield asserts violations of his rights under the First, Eighth, and Fourteenth Amendments to the Constitution, those provisions only bind government actors, and Wakefield's former counsel were private attorneys.

Thus, they cannot violate those constitutional rights unless they act in concert with government actors. Wakefield has alleged no facts showing they were. Further, none of the conduct he alleges violates any rule of professional conduct or the attorney-client privilege. It appears to the Court that Boyle and Weitkamp did an outstanding job of representing a difficult client.

Again, they have the Court's thanks. Accordingly, the Court DENIES Wakefield's first motion for sanctions (Doc. 97). II. Second Motion (Doc. 102) The latter motion (Doc. 102) was efiled on January 16, 2026, using the efilings system at Wakefield's institution of incarceration, Danville Correctional Center. Wakefield filed this motion pro se, although he was represented by counsel at the time of filing.

His newly appointed counsel entered an appearance on January 8, 2026 (Doc. 100). "[A] defendant who is represented by counsel relinquishes the right to file his own pro se submissions."

United States v. Khatib, 606 F. App'x 845, 847 (7th Cir. 2015) (citing United States v. Williams, 495 F.3d 810, 813 (7th Cir. 2007)). "Representation by counsel and self-representation are mutually exclusive." Cain v. Peters, 972 F.2d 748, 750 (7th Cir.

1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings. See United States v. Orege, 263 F.3d 669, 672-73 (7th Cir. 2001). The Court may strike as improper any such pro se motion. See, e.g., United States v. Gwiazdzinski, 141 F.3d 784, 787 (7th Cir. 1998).

The Court STRIKES Wakefield's second motion for sanctions because he filed it while he was represented by counsel (Doc. 102). Prior to the motions stricken by this order, Wakefield had filed pro se motions on at least two separate occasions while represented by counsel. Both times, the Court explained to him that he cannot file his own motions while he is represented by counsel (Docs.

61 & 89). It further warned him that if he continued to make further pro se filings while he is represented by counsel, the Court would instruct the Clerk of Court to refuse to accept them for filing (Doc. 89). Nevertheless, Wakefield has persisted in his efforts to file pro se motions and documents while represented by counsel. Consequently, as it warned it would do, the Court DIRECTS the Clerk of Court to refuse to accept from Wakefield any pro se motion or document while he is represented by counsel and to return any such tendered motion or document to him unfiled.

The Court DIRECTS the Clerk of Court to send a copy of this order to Boyle and Weitkamp. IT IS SO ORDERED. DATED: January 29, 2026 s/ J. Phil Gilbert J. PHIL GILBERT DISTRICT JUDGE