

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS

Nathan Rich v. Joe Roesch, et al.

Rich v. Roesch · No. 26-3171 · Decided June 1, 2026

SUMMARY

The United States District Court for the Central District of Illinois dismissed Nathan Rich’s 42 U.S.C. § 1983 complaint without prejudice under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A. The court held that the claim against a state circuit clerk in his official capacity was an impermissible suit against the state, while allowing a final opportunity to amend. The court also denied Rich’s motion for appointed counsel without prejudice because he had not shown a reasonable effort to obtain counsel.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois
WRITING FOR THE COURT	Michael M. Mihm
JURISDICTION	United States District Court for the Central District of Illinois
DECIDED	June 1, 2026
DOCKET	26-3171
DISPOSITION	dismissed
PROCEDURAL POSTURE	Merit review screening of a pro se incarcerated plaintiff's complaint under 28 U.S.C. § 1915A, with consideration of a motion requesting appointed counsel.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court accepts factual allegations as true and liberally construes them in the plaintiff's favor, but dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. The complaint must contain sufficient factual matter to state a facially plausible claim. The motion for appointed counsel was evaluated under the two-part Pruitt test.
PRECEDENTIAL VALUE	unpublished
PARTIES	Nathan Rich v. Joe Roesch, et al.

TOPICS

section 1983

prisoners rights

motions to dismiss

civil procedure

sovereign immunity

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated a cognizable § 1983 claim against the state circuit clerk in his official capacity.
2. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A.
3. Whether plaintiff was entitled to appointment of counsel under the Pruitt standard.

HOLDINGS

1. A § 1983 claim against Joe Roesch in his official capacity is an impermissible suit against the State and therefore cannot proceed in federal court.
2. The complaint failed to state a claim and was dismissed without prejudice under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A.
3. Plaintiff was not entitled to appointed counsel because he failed to demonstrate a reasonable attempt to obtain counsel independently.

KEY QUOTATIONS

“Section 1983 provides a federal forum to remedy many deprivations of civil liberties, but it does not provide a federal forum for litigants who seek a remedy against a state.”

“There is no right to court-appointed counsel in federal civil litigation.”

FACTUAL BACKGROUND

Nathan Rich, an incarcerated plaintiff proceeding pro se, sued Sangamon County Circuit Clerk Joe Roesch under 42 U.S.C. § 1983. Rich alleged that Roesch refused to file a mandamus petition under 735 ILCS 5/14-101 on April 7, 2026, preventing access to the court system. The petition apparently sought a new release date and Rich's release on the date he believed was proper.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 complaint alleging that a state circuit clerk refused to file his mandamus petition, thereby denying him access to the court system. The court screened the complaint, dismissed it without prejudice for failure to state a claim, and granted plaintiff 30 days to amend. The court also denied plaintiff's motion for appointed counsel, with leave to renew.

DISPOSITION

dismissed

CASES CITED

- Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2013)
- Alexander v. United States, 721 F.3d 418, 422 (7th Cir. 2013)
- McMurry v. Sheahan, 927 F. Supp. 1082, 1090 (N.D. Ill. 1996)
- Will v. Michigan Department of State Police, 491 U.S. 58, 65 (1989)
- Suarez v. Cook County Clerk's Office, No. 01 C 5830, 2002 WL 31833686, at *2 (N.D. Ill. Dec. 17, 2002)
- Olson v. Morgan, 750 F.3d 708, 711 (7th Cir. 2014)
- Pruitt v. Mote, 503 F.3d 647, 655 (7th Cir. 2007)
- Eagan v. Dempsey, 987 F.3d 667, 682 (7th Cir. 2021)

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