

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

Julius A. Littlejohn v. City of Chicago and Cesar H. Villalobos

Littlejohn · No. 1:25-cv-06195 · Decided January 8, 2026

SUMMARY

The court grants in part and denies in part defendants’ motion to dismiss Julius A. Littlejohn’s claims arising from his arrest and prosecution for criminal trespass. The court allows the federal and Illinois false-arrest claims, the federal Fourth Amendment malicious-prosecution claim, and the related respondeat superior claim against the City of Chicago to proceed, while dismissing the Illinois malicious-prosecution claim without prejudice. The court declines to consider body-worn-camera footage and the misdemeanor complaint at the pleading stage because they were not properly incorporated into the complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Manish S. Shah
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	January 8, 2026
DOCKET	1:25-cv-06195
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims arising from Littlejohn's arrest, detention, and criminal trespass prosecution. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards legal conclusions, draws reasonable inferences in the plaintiff's favor, and asks whether the complaint states a plausible claim for relief. Qualified immunity supports dismissal at this stage only when the well-pleaded allegations do not state a violation of clearly established law.
PRECEDENTIAL VALUE	district court opinion; precedential status unknown

PARTIES

Julius A. Littlejohn v. City of Chicago, Cesar H. Villalobos

TOPICS

motions to dismiss

civil procedure

section 1983

police misconduct

qualified immunity

PRACTICE AREAS

civil procedure

civil rights

constitutional law

torts

municipal law

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated federal and Illinois false-arrest claims despite defendants' reliance on body-worn-camera footage and the misdemeanor complaint.
2. Whether the complaint plausibly stated a Fourth Amendment malicious-prosecution claim under 42 U.S.C. § 1983.
3. Whether the complaint adequately pleaded favorable termination for an Illinois malicious-prosecution claim.
4. Whether the City of Chicago could be held liable under respondeat superior for the surviving Illinois false-arrest claim.
5. Whether the Illinois malicious-prosecution claim should be dismissed without prejudice because amendment might not be futile.

HOLDINGS

1. The court may not consider body-worn-camera footage that was neither attached to nor referenced in the complaint, or a misdemeanor complaint that was neither attached nor incorporated by reference, when deciding the motion to dismiss.
2. The allegations that no one from AutoZone notified Littlejohn that he was not allowed on the property, that Villalobos handcuffed him upon arriving, and that AutoZone did not tell Villalobos he had been asked to leave plausibly stated seizure without probable cause under federal and Illinois law.
3. Littlejohn adequately stated a Fourth Amendment claim for malicious prosecution under 42 U.S.C. § 1983.
4. The Illinois malicious-prosecution claim was insufficiently pleaded and was dismissed without prejudice.
5. Because the state-law false-arrest claim survived, the respondeat-superior claim against the City also survived.

KEY QUOTATIONS

“To survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient factual matter,” to “state a claim to relief that is plausible on its face.”” (Statement)

“Generally, a district court cannot consider evidence outside the pleadings to decide a motion to dismiss without converting it into a motion for summary judgment.” (Statement)

“Littlejohn has not pled himself out of court.” (Statement)

“A person is seized by the police and thus entitled to challenge the government’s action under the Fourth Amendment when the officer, ‘by means of physical force or show of authority,’ terminates or restrains his freedom of movement.” (Statement)

FACTUAL BACKGROUND

In May 2025, Chicago police officer Cesar Villalobos detained Julius Littlejohn in an AutoZone parking lot where Littlejohn met clients and worked on vehicles. Littlejohn alleged that no one from AutoZone told him he was not permitted on the property and that Villalobos handcuffed him upon arriving at the lot. Littlejohn was arrested, held for several hours, and released; a misdemeanor criminal-trespass complaint was later filed against him, and the charge was dismissed.

PROCEDURAL HISTORY

Littlejohn filed suit against Officer Cesar Villalobos in his individual capacity and the City of Chicago, alleging false arrest and malicious prosecution under federal and Illinois law. Defendants moved to dismiss and relied in part on body-worn-camera footage and the misdemeanor complaint. The court declined to consider materials outside the pleadings, allowed the federal false-arrest and Fourth Amendment malicious-prosecution claims and the related respondeat-superior claim to proceed, and dismissed the Illinois malicious-prosecution claim without prejudice.

DISPOSITION

other

CASES CITED

- Wertymer v. Walmart, Inc., 142 F.4th 491 (7th Cir. 2025)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Kap Holdings, LLC v. Mar-Cone Appliance Parts Co., 55 F.4th 517, 523 (7th Cir. 2022)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Orr v. Shicker, 147 F.4th 734, 740–41 (7th Cir. 2025)
- Swanson v. Citibank, N.A., 614 F.3d 400, 404 (7th Cir. 2010)
- Tobey v. Chibucos, 890 F.3d 634, 648 (7th Cir. 2018)
- Geinosky v. City of Chicago, 675 F.3d 743, 745 n.1 (7th Cir. 2012)
- Daniel Jackson v. Shawn Curry, Jackson v. Curry, 888 F.3d 259, 263 (7th Cir. 2018)
- Esco v. City of Chicago, 107 F.4th 673 (7th Cir. 2024)
- Tierney v. Vahle, 304 F.3d 734, 738 (7th Cir. 2002)
- Hanson v. LeVan, 967 F.3d 584, 590 (7th Cir. 2020)

- Behrens v. Pelletier, 516 U.S. 299, 306 (1996)
- Lee v. Harris, 127 F.4th 666, 672 (7th Cir. 2025)
- Garcia v. Posewitz, 79 F.4th 874, 879–80 (7th Cir. 2023)
- Lyberger v. Snider, 42 F.4th 807, 813 (7th Cir. 2022)
- Woods v. City of Chicago, 234 F.3d 979, 996 (7th Cir. 2000)
- Thompson v. Clark, 596 U.S. 36, 42–44, 49 (2022)
- Brendlin v. California, 551 U.S. 249, 254 (2007)
- Swick v. Liautaud, 169 Ill. 2d 504, 513 (1996)
- Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago and N.W. Indiana, 786 F.3d 510, 519–20 (7th Cir. 2015)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION JULIUS A. LITTLEJOHN, Plaintiff, No. 25 CV 6195 V. Judge Manish S. Shah CITY OF CHICAGO and CESAR H. VILLALOBOS, Defendants. ORDER Defendants’ motion to dismiss, [9], is granted in part and denied in part. Count IV, alleging malicious prosecution under Illinois law, is dismissed without prejudice.

STATEMENT Julius Littlejohn is a long-time Chicago mechanic. For that job, he would meet clients in the parking lot of an automotive parts store and complete work on their vehicles there. In May 2025, Chicago Police Officer Cesar Villalobos detained Littlejohn in an AutoZone parking lot. Littlejohn was arrested, held for a few hours, and then released. A misdemeanor complaint was filed against Littlejohn, charging him with criminal trespass to land, but the charges were later dismissed.

Littlejohn then sued Villalobos, in his individual capacity, and the City of Chicago, alleging false arrest and malicious prosecution in violation of federal and Illinois law. [1].* Villalobos and the City now move to dismiss the complaint for failure to state a claim upon which relief can be granted.

[9]. A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. Pro. 8(a)(2). While a plaintiff does not need to make detailed factual allegations, he must provide “more than mere ‘labels and conclusions,’ or a ‘formulaic recitation of the elements of a cause of action.’” *Wertymer v. Walmart, Inc.*, 142 F.4th 491 (7th Cir. 2025) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). I assume that a complaint’s well-pleaded factual * Bracketed numbers refer to entries on the district court docket. Referenced page numbers are taken from the CM/ECF header placed at the top of filings.

The facts are taken from the complaint, [1]. allegations, but not its legal conclusions, are true. *Kap Holdings, LLC v. Mar-Cone Appliance Parts Co.*, 55 F.4th 517, 523 (7th Cir. 2022). To survive a

motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient factual matter,” to “state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 570). “This means that the complaint must offer ‘factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,’” or, in other words, “present a story that holds together.” *Orr v. Shicker*, 147 F.4th 734, 740–41 (7th Cir.

2025) (quoting *Iqbal*, 556 U.S. at 678 then *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010)) (cleaned up). “A motion under Rule 12(b)(6) can be based only on the complaint itself, documents attached to the complaint, documents that are critical to the complaint and referred to in it, and information that is subject to proper judicial notice.” *Tobey v. Chibucos*, 890 F.3d 634, 648 (7th Cir.

2018) (quoting *Geinosky v. City of Chicago*, 675 F.3d 743, 745 n.1 (7th Cir. 2012)). In support of their motion to dismiss, defendants rely heavily on the body-worn camera footage of the incident from Villalobos’s perspective. See [9].

The footage, however, was not attached to—nor was it referenced anywhere within—the complaint. “Generally, a district court cannot consider evidence outside the pleadings to decide a motion to dismiss without converting it into a motion for summary judgment.” *Jackson v. Curry*, 888 F.3d 259, 263 (7th Cir. 2018).

The complaint here does not fall within the narrow exception for video footage relied upon in the allegations but omitted from the complaint. See *Esco v. City of Chicago*, 107 F.4th 673 (7th Cir. 2024). While the complaint alleges that Villalobos “filed a misdemeanor complaint, charging Plaintiff with Criminal Trespass to land under 720 ILCS 5.0/21-3-A-2,” [1] ¶ 12, the misdemeanor complaint was neither attached nor incorporated by reference.

See *Tierney v. Vahle*, 304 F.3d 734, 738 (7th Cir. 2002) (exception applies when plaintiff actually quotes from the document or the document is central to the dispute, like a contract in a case interpreting said contract).

The allegations within the misdemeanor complaint are also not subject to judicial notice. See *Tobey*, 890 F.3d at 648 (judicial notice of the contents of filings in other courts is only proper if the fact is not subject to reasonable dispute). It is not appropriate to consider the misdemeanor complaint at this stage.

The misdemeanor complaint doesn’t say when the complainant informed Villalobos that Littlejohn was trespassing. See [9-1]. So even if I considered it, the misdemeanor charging document doesn’t render Littlejohn’s complaint implausible.

The allegations that no one from AutoZone notified Littlejohn he was not allowed on the parking lot, [1] ¶ 8, that Villalobos handcuffed Littlejohn once he arrived at the parking lot, [1] ¶ 9, and the reasonable inference in plaintiff's favor that AutoZone did not tell Villalobos that Littlejohn had been asked to leave, support a claim for seizure without probable cause under both federal and Illinois law. "Ultimately, dismissal under Rule 12(b)(6) is appropriate based on qualified immunity only when the plaintiffs' well-pleaded allegations, taken as true, do not 'state a claim of violation of clearly established law.'" *Hanson v. LeVan*, 967 F.3d 584, 590 (7th Cir.

2020) (quoting *Behrens v. Pelletier*, 516 U.S. 299, 306 (1996)). Without the body-worn camera footage to supplement the allegations in the complaint, and drawing all inferences in favor of the plaintiff, as I must at this stage, the allegations in the pleadings do not establish probable cause or arguable probable cause. Littlejohn has not pled himself out of court.

Going forward, however, Littlejohn will carry the burden of demonstrating that police lacked probable cause to arrest and detain him. *Lee v. Harris*, 127 F.4th 666, 672 (7th Cir. 2025). Probable cause "exists when there is a probability or substantial chance of criminal activity." *Garcia v. Posewitz*, 79 F.4th 874, 879 (7th Cir. 2023). "Generally, 'an identification or a report from a single, credible victim or eyewitness can provide the basis for probable cause.'" *Lyberger v. Snider*, 42 F.4th 807, 813 (7th Cir.

2022) (quoting *Woods v. City of Chicago*, 234 F.3d 979, 996 (7th Cir. 2000)). "An officer need not even believe that a witness is reliable to determine that her statement supports probable cause for an arrest because the assessment of credibility rests with courts, not officers." *Garcia*, 79 F.4th at 880.

As to the claims for malicious prosecution under federal and Illinois law, the federal claim, Count II, alone may proceed. A plaintiff has a Fourth Amendment claim for malicious prosecution when he is prosecuted without probable cause, seized because of that prosecution, the prosecution was malicious, and the prosecution was favorably terminated. *Thompson v. Clark*, 596 U.S. 36, 42–44 (2022).

Defendants contend that Littlejohn was never "seized," but being held for several hours in a police station without the ability to leave constitutes a seizure. See *Brendlin v. California*, 551 U.S. 249, 254 (2007) ("A person is seized by the police and thus entitled to challenge the government's action under the Fourth Amendment when the officer, 'by means of physical force or show of authority,' terminates or restrains his freedom of movement.") (cleaned up).

Littlejohn has set forth sufficient allegations to state a claim for malicious prosecution under the Fourth Amendment. Illinois and federal law differ as to what constitutes favorable termination. Compare *Thompson*, 596 U.S. at 49 (holding that "a Fourth Amendment claim under § 1983 for malicious prosecution does not require the plaintiff to show that the criminal prosecution ended

with some affirmative indication of innocence”) with *Swick v. Liautaud*, 169 Ill.2d 504, 513 (1996) (“Only when a plaintiff establishes that the nolle prosequi was entered for reasons consistent with his innocence does the plaintiff meet his burden of proof.”).

Littlejohn’s conclusory allegation that the Circuit Court of Cook County dismissed the charge against him, “indicative of his innocence,” is not sufficient to state a claim for malicious prosecution under Illinois law.

Because the state-law claim for false arrest survives the motion to dismiss, the respondeat superior claim against the city also survives. Finally, it is not certain from the face of the complaint that amendment would be futile as to Count IV, and so dismissal without prejudice is warranted. *Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago and N.W.*

Indiana, 786 F.3d 510, 519-20 (7th Cir. 2015). ENTER: Date: January 8, 2026 bad SSAA Manish
8. Shah United States District Judge