

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted March 26, 2020*

Decided March 27, 2020

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 19-2567

JARED STUBBLEFIELD,
Plaintiff-Appellant,

Appeal from the United States
District Court for the Northern District
of Illinois, Eastern Division.

v.

No. 19 C 2715

CLERK OF THE CIRCUIT COURT OF
COOK COUNTY, et al.,
Defendants-Appellees.

Matthew F. Kennelly,
Judge.

ORDER

Jared Stubblefield sued the Clerk of the Circuit Court of Cook County, the City of Chicago, and the State of Illinois for preventing him from obtaining “attorney’s fees” for successfully defending himself against traffic citations in state court. (He later named the police officer who issued the traffic citations as a defendant.) He alleged that the state traffic court violated his right of equal protection by not allowing him to seek

* The appellees were not served with process and are not participating in this appeal. After examining the appellant’s brief and the record, we have concluded that this case is appropriate for summary disposition. FED. R. APP. P. 34(a)(2)(C).

\$12 million in compensation for his self-representation. After twice dismissing Stubblefield's complaints with leave to amend, the district court dismissed his second amended complaint with prejudice as legally frivolous. We affirm the judgment.

On appeal, Stubblefield does not make any legal argument for disturbing the district court's judgment. But even if we generously construe his pro se appellate brief as arguing that he stated a nonfrivolous claim, he must lose. In his second amended complaint Stubblefield invoked *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and on appeal he invokes 42 U.S.C. § 1983. On the facts alleged, he could not state a plausible claim under either theory. Stubblefield has not sued any individual federal defendants, so *Bivens* does not apply. See 403 U.S. at 395; *Small v. Chao*, 398 F.3d 894, 898 (7th Cir. 2005). And § 1983 establishes a cause of action only for the deprivation of the "rights, privileges, or immunities secured by the Constitution and laws" of the United States. Stubblefield, however, has no right under the Constitution or other federal law to receive attorney's fees (it is unclear from whom) for defeating his traffic tickets as a pro se litigant. Simply invoking the phraseology of the Constitution in connection with these alleged facts is insufficient to state a claim. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to state a claim pleading must do more than offer "labels and conclusions" or conclusory legal assertions); *Avila v. Pappas*, 591 F.3d 552, 553 (7th Cir. 2010) (simply uttering the word "Constitution" is insufficient even to establish federal subject-matter jurisdiction). The district court was correct to dismiss this case as lacking in merit.

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

March 27, 2020

Before: DAVID F. HAMILTON, Circuit Judge
MICHAEL B. BRENNAN, Circuit Judge
MICHAEL Y. SCUDDER, Circuit Judge

No. 19-2567	JARED STUBBLEFIELD, Plaintiff - Appellant v. CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:19-cv-02715 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly	

The judgment of the District Court is **AFFIRMED** in accordance with the decision of this court entered on this date.

form name: c7_FinalJudgment(form ID: 132)

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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CIRCUIT RULE 3(b) NOTICE

August 13, 2019

No. 19-2567	JARED STUBBLEFIELD, Plaintiff - Appellant v. CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:19-cv-02715 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly Clerk/Agency Rep Thomas G. Bruton	

Circuit Rule 3(b) empowers the clerk to dismiss an appeal if the docket fee is not paid within fourteen (14) days of the docketing of the appeal. This appeal was docketed on August 13, 2019. The District Court has indicated that as of August 13, 2019, the docket fee has not been paid. Depending on your situation, you should:

1. Pay the required \$500.00 docketing fee PLUS the \$5.00 notice of appeal filing fee to the District Court Clerk, if you have not already done so. The Court of Appeals cannot accept this fee. You should keep a copy of the receipt for your records.
2. File a motion to proceed on appeal in forma pauperis with the District Court, if you have not already done so. An original and three (3) copies of that motion, with proof of service on your opponent, is required. This motion must be supported by a sworn affidavit in the form prescribed by **Form 4** of the *Appendix of Forms to the Federal Rules of Appellate Procedure (as amended 12/01/2013)*, listing the assets and income of the appellant(s).

3. If the motion to proceed on appeal in forma pauperis is denied by the district court, you must either pay the required \$500.00 docketing fee PLUS the \$5.00 notice of appeal filing fee to the District Court Clerk, within fourteen (14) days after service of notice of the action to the district court, or within thirty (30) days of that date, renew your motion to proceed on appeal in forma pauperis with this court.

If the motion is renewed in this court, it must comply with the terms of *Fed.R.App.P. 24(a)*.

If one of the above stated actions is not taken, the appeal will be dismissed.

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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Chicago, Illinois 60604



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CIRCUIT RULE 3(b) FEE NOTICE

October 7, 2019

No. 19-2567	JARED STUBBLEFIELD, Plaintiff - Appellant v. CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:19-cv-02715 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly Clerk/Agency Rep Thomas G. Bruton	

This court's records indicate that on October 7, 2019 the District Court denied your motion to proceed in forma pauperis.

Pursuant to Federal Rule of Appellate Procedure 24(a),

WITHIN THE NEXT THIRTY (30) DAYS YOU MUST EITHER:

1. Pay the required \$500.00 docketing fee PLUS the \$5.00 notice of appeal filing fee (\$505.00 TOTAL) to the District Court Clerk. The Court of Appeals cannot accept this fee. You should keep a copy of the receipt for your records.
2. File a motion to proceed on appeal in forma pauperis with the Court of Appeals. An original and three (3) copies of that motion, with proof of service on your opponent, is required. This motion must be supported by a sworn affidavit in the form of a sworn statement listing your assets and income.

IF ONE OF THE ABOVE ACTIONS IS NOT TAKEN WITHIN 30 DAYS FROM THE DATE LISTED ABOVE, YOUR CASE WILL BE DISMISSED, PURSUANT TO CIRCUIT RULE 3(b).

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

December 19, 2019

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 19-2567	JARED STUBBLEFIELD, Plaintiff - Appellant v. CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:19-cv-02715 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly	

Upon consideration of the **AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on October 15, 2019, by the pro se appellant,

IT IS ORDERED that the motion for leave to proceed on appeal in forma pauperis is **DENIED**. The appellant has not made a potentially meritorious argument that the district court erred in dismissing the case for failure to state a claim. Appellant shall pay the required docketing fee within 14 days, or else this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b).

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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BRIEFING ORDER

December 30, 2019

No. 19-2567	JARED STUBBLEFIELD, Plaintiff - Appellant v. CLERK OF THE CIRCUIT COURT OF COOK COUNTY, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:19-cv-02715 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly	

This court has received notice from the district court that the appellant paid the required docketing fee.

Briefing will now proceed as follows:

1. The Appellant's brief of Jared Stubblefield will be due by January 29, 2020 for 19-2567.

NOTE:

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals are scheduled after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your appeal might be scheduled, please write the clerk advising him of the time period and the reason for your unavailability. The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once an appeal has been scheduled for oral argument, it is very difficult to have the date changed. See Cir.R. 34(e).