

# **APPENDICES**

**ATTACHED TO PETITION FOR A WRIT OF CERTIORARI**

# **APPENDIX A**

# 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

## ORDER

January 25, 2022

*Before*

FRANK H. EASTERBROOK, *Circuit Judge*  
THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-3106	LOUIS GONZALEZ, also known as Carlos Ramos Sanchez, Plaintiff - Appellant
	v.
	ELAINE E. BUCKLO, Magistrate Judge, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 1:21-cv-02834 Northern District of Illinois, Eastern Division District Judge Andrea R. Wood	

The following are before the court:

1. **PRO SE MOTION TO PROCEED IN FORMA PAUPERIS WITH AFFIDAVIT ACCOMPANYING MOTION**, filed on December 20, 2021, by the pro se appellant.
2. **ATTACHED DOCUMENT TO AFFIDAVIT**, filed on December 20, 2021, by the pro se appellant.

Upon consideration of appellant's motions, the district court's order pursuant to 28 U.S.C. § 1915(a)(3) certifying that the appeal was filed in bad faith, and the record on appeal,

**IT IS ORDERED** that the motion for leave to proceed in forma pauperis on appeal is **DENIED**. See *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). The appellant has not identified a good faith issue that the district court erred in dismissing his complaint. The appellant shall pay the required docketing fee within 14 days, or this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b). See *Newlin v. Helman*, 123 F.3d 429, 434 (7th Cir. 1997).

## **APPENDIX B**

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

LOUIS GONZALEZ (#A2019-413-252),	)	
	)	
Plaintiff,	)	District Court Case No. 21-cv-02834
	)	Appellate Court No. 21-3106
v.	)	
	)	
ELAINE E. BUCKLO, et al.,	)	Judge Andrea R. Wood
	)	
Defendants.	)	

**ORDER**

Plaintiff's applications to proceed *in forma pauperis* on appeal [12], [13] are denied. The Court certifies that the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3). To proceed with his appeal, Plaintiff must either pay the appellate fee of \$505 within 14 days or seek review of this Court's denial of his *in forma pauperis* request in the United States Court of Appeals for the Seventh Circuit within 30 days of the entry of this Order. The Clerk is directed to send a copy of this Order to Plaintiff and to the United States Court of Appeals for the Seventh Circuit.

**STATEMENT**

Plaintiff Louis Gonzalez, a/k/a Carols Ramos Sanchez, who "is being detained at Etowah County Detention Center" in Alabama, "under DHS/ICE directions," brought this *pro se* civil rights action pursuant to 42 U.S.C. §§ 1331 and 1343 concerning a prior dismissed federal lawsuit. Gonzalez's application to proceed *in forma pauperis* was granted on September 24, 2021; however, the matter was dismissed as frivolous, for lack of subject-matter jurisdiction, and for failure to state a claim upon which relief can be granted. Gonzalez subsequently filed a notice of appeal, a docketing statement, an application to proceed *in forma pauperis* on appeal, and an "affidavit" that the Court construes as a second application to proceed *in forma pauperis* on appeal. The Court denies the applications because the appeal is not taken in good faith.

"[A]n appeal taken in 'good faith' is an appeal that, objectively considered, raises non-frivolous colorable issues." *Eiler v. City of Pana*, No. 14-CV-3063, 2014 WL 11395155, at \*1 (C.D. Ill. Nov. 1, 2014) (collecting cases); *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000) (explaining that a finding of no good faith is comparable to a finding that an appeal would be frivolous). "An appeal is frivolous when the result is obvious or when the appellant's argument is wholly without merit." *Smeigh v. Johns Manville, Inc.*, 643 F.3d 554, 565 (7th Cir. 2011) (citation and internal quotation marks omitted).

The Court finds that Gonzalez's appeal is not taken in good faith as he fails to articulate any non-frivolous colorable issues in his notice of appeal that merit review. The Court has

reviewed the dismissal order and discerns no non-frivolous grounds for appeal. Accordingly, Gonzalez's application to proceed *in forma pauperis* on appeal is denied.

Under the rules of the Seventh Circuit Court of Appeals, if the district court certifies that an appeal is not taken in good faith, the appellant cannot prosecute the appeal *in forma pauperis*, but rather must pay the appellate fees in full for the appeal to go forward. To proceed with his appeal, Gonzalez must either pay the appellate fee of \$505 within 14 days or seek review of this Court's denial of his *in forma pauperis* request in the United States Court of Appeals for the Seventh Circuit within 30 days of the entry of this order. Fed. R. App. P. 24(a)(5). Payment shall be sent to the Clerk, United States District Court, 219 South Dearborn Street, Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor. Payment should clearly identify the name of the party to whom the payment applies, as well as the district court and appellate court case numbers assigned to this action.

Date: November 19, 2021



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Andrea R. Wood  
United States District Judge

## **APPENDIX C**





Gonzalez seems to believe that if the PLRA does not apply, he is not required to pay the filing fee. That is not the case. In fact, most non-prisoner litigants must prepay the filing fee to litigate, unless he or she is indigent. Typically, when a person in custody, receiving room and board at others' expense, has sufficient funds to pay the filing fee in an institutional account at the time of filing, the Court directs payment in full. When he brought this lawsuit in May 2021, Gonzalez had over \$500 in his account; since then, his account balance has hovered closer to \$700. (Dkt. No. 7 at 7.) Yet he insists that he cannot prepay the full \$402 filing fee because a condition of his anticipated release from custody is that he have at least \$300 in his account to cover transportation costs "from the detention center to the bus station," and additional funds to travel to either Michigan or Illinois, where his intended post-release "sponsor[s]" live. (Dkt. No. 5 at 1–2.) Other detainees helped Gonzalez accumulate the funds in his account (although Gonzalez has spent approximately \$60 in the commissary since this case was filed). (*Id.* at 2; Dkt. No. 7 at 7.)

Gonzalez considers himself poor because he does not receive income above the poverty level. (*Id.* at 4.) He also does not consider \$450 of the money in his account to be "really" his money to spend because it was provided by "some good people . . . for transportation," and he deems it improper to "use [those funds] for other needs he may have." (*Id.* at 5.)

But the money in Gonzalez's institutional accounts is deemed to be his for the purposes of the Court's financial analysis—no matter how he chooses to characterize that money or his intentions to use it for other purposes. He may not without consequences refuse to pay from that account if the Court directs him to do so. Nor need the Court ignore that he is in custody and receiving institutional room and board, unlike non-detainees who must bear all of those expenses. Thus, Gonzalez's own analysis of his financial condition as "below poverty level" does not affect the Court's analysis. That said, considering Gonzalez's explanation of the reasons for his accumulation of funds, along with his relatively modest commissary expenditures, the Court will grant him leave to proceed *in forma pauperis*. The filing fee is waived.

### ***Initial Review of Gonzalez's Complaint***

Turning to Gonzalez's complaint, the Court notes a facial deficiency. Pursuant to this District's rules, civil rights complaints by *pro se* litigants in custody are required to "be on forms supplied by the Court." See N.D. Ill. L.R. 81.1. Gonzalez did not use the Court's required form. He is advised that he must in future use the Court's required complaint form (which he may request) and completely and accurately fill it out, or he may risk sanctions, including dismissal of a lawsuit. The Court overlooks this deficiency for present purposes and proceeds to review the complaint.

Under 28 U.S.C. § 1915(e)(2), the Court reviews a *pro se* plaintiff's complaint and dismisses the complaint, or any claim therein, if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. See *Blake v. Doyle*, No. 99 C 5365, 1999 WL 1044211, at \*1 (N.D. Ill. Nov. 9, 1999).

The Court applies the same standard as for motion under Federal Rule of Civil Procedure 12(b)(6) challenging the sufficiency of the complaint. *Hallinan v. Fraternal Order of Police of Chi. Lodge No. 7*, 570 F.3d 811, 820 (7th Cir. 2009). In addition to the complaint, which the Court construes liberally, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam), the Court may consider public records in conducting its review. See *Olson v. Champaign County, Ill.*, 784 F.3d 1093, 1097 n.1 (7th Cir. 2015) (“[W]e may take judicial notice of public records not attached to the complaint” in the course of a Rule 12(b)(6) review).

Here, Gonzalez alleges that a prior federal lawsuit, *Gonzalez v. Waukegan Police Department*, No. 19 C 5734 (N.D. Ill.) (Bucklo, J.) was dismissed on February 3, 2020. (Dkt. No. 1 at 5.) Having received nothing from the district court, a few weeks after the dismissal, Gonzalez wrote the court for a case update. (*Id.*); see also No. 19 C 5734, Dkt. Nos. 18, 19 (dismissing amended complaint and entering judgment). On March 3, 2020, Gonzalez received a one-page response briefly indicating that the case had been “dismissed for failure to state a claim.” (*Id.*) He deemed himself “not able” to send a notice of appeal based only upon that, so, on March 12, 2020, he sought a copy of the dismissal order from the district court. (*Id.* at 6); see also No. 19 C 5734, Dkt. No. 20 (letter from Gonzalez, docketed April 17, 2020). On April 20, 2020, the Court directed the Clerk of Court to “send a copy of the February 3, 2020 order and judgment [] to Plaintiff at his address of record.” No. 19 C 5734, Dkt. No. 21. On May 5, 2020, he received another page much like the previous one he had received, except that it was file-stamped, and he also received a copy of the “judgment.” (Dkt. No. 1 at 6.) More than three weeks later, on May 28, 2020, Gonzalez mailed a notice of appeal, along with a “PLRA memorandum.” (*Id.*)

The district court, on July 16, 2020, granted Gonzalez leave to proceed on appeal *in forma pauperis* but declined his request “to let him proceed with the appeal notwithstanding, the notice of appeal is outside of the thirty-day-frame required to file such notice.” No. 19 C 5734, Dkt. NO. 30 at 1, 3. The Court explained that “internal records reflect that the dismissal order and judgment were mailed to Gonzalez at the Adams County Detention Center [where Gonzalez had indicated he was detained] on February 3, 2020,” and “was not returned as undeliverable.” *Id.* The Court then analyzed the timeline of events and concluded that Gonzalez’s appeal was untimely and that his requests for related relief did not fall within the circumstances of Federal Rule of Appellate Procedure 4(a)(5) or 4(a)(6). *Id.* at 3. Gonzalez, after all, knew of the adverse judgment well before he appealed. *Id.* Accordingly, the Court declined the requested relief. *Id.*

In Appeal No. 20-1985 in the Court of Appeals for the Seventh Circuit, Gonzalez also submitted, at the appellate court’s request, a “jurisdictional memorandum,” in which he argued that because of the foregoing events his appeal should be considered timely. Appeal No. 20-1985, Dkt. No. 7 (docketed August 7, 2020). On December 14, 2020, the Seventh Circuit “dismissed the appeal for lack of jurisdiction” due to its filing more than 30 days after the judgment. *Id.*, Dkt. No. 10; (Dkt. No. 1 at 6.)

Undeterred, in May 2021, Gonzalez brought this lawsuit against Judge Bucklo (to whom he incorrectly refers as a magistrate judge, rather than a district judge), Clerk of Court Thomas Bruton, and an unknown court reporter. He insists that he was denied procedural and substantive due process, access to the courts, and equal protection of the laws, and that he is entitled to “an opportunity to continue with the process of” Case No. 19 C 5734, as well as damages of “not less than \$120,000.00,” because he “was not informed timely” of the dismissal of Case No. 19 C 5734. (Dkt. No. 1 at 7–10.) Shortly thereafter, on June 7, 2021, Gonzalez filed a motion for relief from final order in Case No. 19 C 5734, again seeking to reopen the case. No. 19 C 5734, Dkt. No. 36. The Court denied Gonzalez’s “rehash[ed]” arguments about the timeliness of his appeal” that both the district court and appellate court had already rejected, as well as a “frivolous” new argument. *Id.*, Dkt. No. 37.

This lawsuit, too, is a patently frivolous and transparent end-run around the dismissal of Case No. 19 C 5734. Gonzalez’s ultimate goal appears to be to reopen Case No. 19 C 5734, but a new lawsuit is not a permissible mechanism for seeking such relief. Bringing an appeal was an appropriate procedure for doing so, but Gonzalez lost Appeal No. 20-1985, after making the same arguments regarding allegedly not receiving timely notice of the dismissal of Case No. 19 C 5734. He did not pursue the remaining potential relief available to him to challenge that dismissal, a writ of certiorari in the Supreme Court for the United States, *see Powell v. Kemp*, 53 F. App’x 750, 751 (6th Cir. 2002) (noting that party’s “remedy, if any, was to appeal [adverse] order” and that he “cannot circumvent the appeal . . . by instituting a new lawsuit,” so dismissal for lack of subject matter jurisdiction and failure to state claim was proper), and he may not use this lawsuit to relitigate issues already decided. *See Oneida Nation v. Vill. of Hobart*, 968 F.3d 664, 586 (7th Cir. 2020) (explaining that prior federal judgment may preclude relitigation of issue where the identical issue was involved in prior litigation, was actually litigated in it, the issue’s determination was essential to final judgment, and party against whom estoppel is involved was fully represented in prior action) (citation omitted). That Gonzalez did not obtain his desired outcome does not change that result, as “the federal entitlement is to process, not to a favorable outcome.” *See Simmons v. Gillespie*, 712 F.3d 1041, 1044 (7th Cir. 2013).

To the extent Gonzalez desires to repackage the allegedly untimely receipt of a court order as a separate civil rights violation to seek damages (as opposed to the reopening of his lawsuit), his intended claims fare no better. The Court accepts, as Gonzalez insists, that he did not receive the full dismissal order until May 5, 2020 (although he was aware of the entry of judgment and basis for it months before that date). Even so, and assuming such claims would not be estopped, Gonzalez’s failure to receive an order more quickly (which is all that he has described in his many repetitions of his story) is not enough even to hint at actionable misconduct by any named Defendant. Notably, no facts tie any named Defendant to Gonzalez’s allegedly late receipt of the dismissal order and, as the district court explained in Case No. 19 C 5734, the untimeliness of his appeal hinged on Gonzalez’s own delays after he learned of the dismissal.

The foregoing demonstrates the frivolity of this lawsuit, and the Court discerns no way in which Gonzalez could amend his allegations to proceed, as there are still more problems with this attempt. First, Gonzalez's disagreement notwithstanding, the judge (and likely some judicial employees as well) would be absolutely immune from a lawsuit seeking damages related to judicial conduct. *See Dawson v. Newman*, 419 F.3d 656, 660–61 (7th Cir. 2005) (“The doctrine of judicial immunity . . . confers complete immunity from suit” to a judge for “acts performed by the judge in the judge’s judicial capacity.”) (internal quotation marks, citations, and emphasis omitted); *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978) (“A judge will not be deprived of immunity because the action [s]he took was in error, was done maliciously, or was in excess of h[er] authority; rather [s]he will be subject to liability only when [s]he has acted in the clear absence of all jurisdiction.”) (internal quotation marks omitted).

Second, the Court is unaware of any similar claim invoking *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), that has been permitted to proceed against court employees for a detainee not receiving a court order under any similar circumstances, *see Vega v. United States*, 881 F.3d 1146, 1153 (9th Cir. 2018) (“[B]ecause neither the Supreme Court nor we have expanded *Bivens* in the context of a prisoner’s First Amendment access to court or Fifth Amendment procedural due process claims arising out of a prison disciplinary process, the circumstances of Vega’s case against private defendants plainly present a ‘new context’ under *Abbasi*.”); *Kammeyer v. True*, No. 19-CV-00454-JPG, 2019 WL 2616193, at \*4 (S.D. Ill. June 26, 2019) (“[T]he Seventh Circuit has suggested and affirmed district court rulings holding that there is not a remedy under *Bivens* for violations of the First Amendment.”) (citing *Sebolt v. Samuels*, 749 F. App’x 458, 459 (7th Cir. 2018)).<sup>1</sup>

Third, even assuming the existence of a *Bivens* remedy, *see Hernandez v. Mesa*, — U.S. —, 137 S. Ct. 2003, 2006 (2017) (approving such assumptions), in all of Gonzalez’s explanations regarding the dismissal of Case No. 19 C 5734, no *facts* hint that the orders were not mailed (as opposed to some other cause of Gonzalez’s non-receipt). Mere speculation that the order was not timely mailed is insufficient. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that courts need not accept as true unsupported conclusions couched as factual allegations), particularly given the public records and Gonzalez’s allegations regarding the timeline of events preceding the dismissal of Gonzalez’s Appeal No. 20-1985.

Even Gonzalez’s insistence that he might establish some “pattern” of conduct—due to his late receipt or non-receipt of orders in other cases—is a misleading non-starter, since Gonzalez’s other similar case in this District involves unrelated state court actors with no conceivable

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<sup>1</sup> This matters because, unlike plaintiffs who can invoke 42 U.S.C. § 1983 to bring claims against state or local officials alleged to have violated their rights, to bring individual-capacity claims against individual federal officials a plaintiff must pursue remedies recognized under *Bivens* (or some other federal law). In *Ziglar v. Abbasi*, — U.S. —, 137 S. Ct. 1843, 1855, 1859 (2017), the Supreme Court emphasized that a *Bivens* remedy has been approved in only three instances not applicable here. The Supreme Court then urged lower courts to use caution before extending a *Bivens* remedy to any new context. *Abbasi*, 137 S. Ct. at 1857.

connection to the facts of this case. *See Gonzalez v. Zenoff*, et al., No. 21 C 2765 (N.D. Ill.) (Blakey, J.) (naming as defendants judges, clerk and court reporter of State of Illinois Appellate Court Second District).

Thus, Gonzalez may not proceed. The Court has considered whether amendment is feasible, *Tate v. SCR Med. Transp.*, 809 F.3d 343, 346 (7th Cir. 2015), but, under the circumstances explained in detail above, amendment would be futile. Judgment will be entered and this case will be closed.

If Gonzalez wishes to appeal, he must file a notice of appeal with this Court within 60 days of the entry of judgment. *See Fed. R. App. P. 4(a)(1)*. Gonzalez need not bring a motion to reconsider this Court's ruling to preserve his appellate rights. However, if he desire the Court to reconsider its judgment, he may file a motion under Federal Rule of Civil Procedure 59(e) or 60(b). Any Rule 59(e) motion must be filed within 28 days of the entry of this judgment. *See Fed. R. Civ. P. 59(e)*. The time to file a motion pursuant to Rule 59(e) cannot be extended. *See Fed. R. Civ. P. 6(b)(2)*. A timely Rule 59(e) motion suspends the deadline for filing an appeal until the Rule 59(e) motion is ruled upon. *See Fed. R. App. P. 4(a)(4)(A)(iv)*. Any Rule 60(b) motion must be filed within a reasonable time and, if seeking relief under Rule 60(b)(1), (2), or (3), must be filed no more than one year after entry of the judgment or order. *See Fed. R. Civ. P. 60(c)(1)*. The time to file a Rule 60(b) motion cannot be extended. *See Fed. R. Civ. P. 6(b)(2)*. A Rule 60(b) motion suspends the deadline for filing an appeal until the Rule 60(b) motion is ruled upon only if the motion is filed within 28 days of the entry of judgment. *See Fed. R. App. P. 4(a)(4)(A)(vi)*.

Date: September 24, 2021



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Andrea R. Wood  
United States District Judge

# **APPENDIX D**

# 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](http://www.ca7.uscourts.gov)

## PLRA C.R. 3(b) FINAL ORDER

February 23, 2022

No. 21-3106	LOUIS GONZALEZ, also known as Carlos Ramos Sanchez, Plaintiff - Appellant  v.  ELAINE E. BUCKLO, Magistrate Judge, et al., Defendants - Appellees
<b>Originating Case Information</b>	
District Court No: 1:21-cv-02834 Northern District of Illinois, Eastern Division District Judge Andrea R. Wood	

The pro se appellant was DENIED leave to proceed on appeal in forma pauperis by the appellate court on January 25, 2022 and was given fourteen (14) days to pay the \$505.00 filing fee. The pro se appellant has not paid the \$505.00 appellate fee. Accordingly, **IT IS ORDERED** that this appeal is **DISMISSED** for failure to pay the required docketing fee pursuant to Circuit Rule 3(b).

**IT IS FURTHER ORDERED** that the appellant pay the appellate fee of \$505.00 to the clerk of the district court. The clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of *Section 1915(b)*. Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

form name: c7\_PLRA\_3bFinalOrder (form ID: 142)

# **APPENDIX E**



# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

December 14, 2020

*Before:*

*Ilana Diamond Rovner, Circuit Judge*

*Michael Y. Scudder, Circuit Judge*

*Amy J. St. Eve, Circuit Judge*

LUIS H. GONZALEZ,  
Plaintiff-Appellant,

No. 20-1985 v.

WAUKEGAN POLICE DEPARTMENT, et al.,  
Defendants-Appellees.

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

] No. 1:19-cv-05734

] Elaine E. Bucklo,  
] Judge.

## ORDER

On consideration of the papers filed in this appeal, and review of the short record,

IT IS ORDERED that the appeal is DISMISSED for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case judgment was entered on February 3, 2020, and the notice of appeal was filed on May 28, 2020, nearly three months late. The district court denied an extension of the appeal period, *see* Rule 4(a) (5), (6), and this court is not empowered to grant an extension. *See* Fed. R. App. P. 26(b).

# **APPENDIX F**

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

Luis H. Gonzalez ,

Plaintiff(s),

v.

Waukegan Police Department, Jay Tapia, and Joe  
Florip ,

Defendant(s).

Case No. 1:19-cv-05734

Judge Elaine E. Bucklo

**JUDGMENT IN A CIVIL CASE**

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)  
and against defendant(s)  
in the amount of \$ ,

which ☐ includes pre-judgment interest.  
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

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☐ in favor of defendant(s)  
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

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☒ other: This case is dismissed for failure to state a claim.

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This action was (*check one*):

☐ tried by a jury with Judge      presiding, and the jury has rendered a verdict.  
☐ tried by Judge      without a jury and the above decision was reached.  
☒ decided by Judge Elaine E. Bucklo.

Date: 2/3/2020

Thomas G. Bruton, Clerk of Court

Maria G. Hernandez , Deputy Clerk

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# APPENDIX G

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

Luis H. Gonzalez ,

Plaintiff(s),

v.

Waukegan Police Department, Jay Tapia, and Joe  
Florip ,

Defendant(s).

Case No. 1:19-cv-05734

Judge Elaine E. Bucklo

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)  
and against defendant(s)  
in the amount of \$ ,

which ☐ includes pre-judgment interest.  
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

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☐ in favor of defendant(s)  
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

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☒ other: This case is dismissed for failure to state a claim.

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This action was (*check one*):

☐ tried by a jury with Judge presiding, and the jury has rendered a verdict.  
☐ tried by Judge without a jury and the above decision was reached.  
☒ decided by Judge Elaine E. Bucklo.

Date: 2/3/2020

Thomas G. Bruton, Clerk of Court

Maria G. Hernandez , Deputy Clerk

G-1

# APPENDIX H

# ADAMS COUNTY CORRECTIONAL FACILITY MAIL LOG HISTORY

NAME: RAMOS-SANCHEZ, CARLOS  
 AGENCY #: A209413252  
 PERM #: 5679824  
 HOUSING: B/A/109/L

MAIL DATE	MAIL FROM/TO	ADDRESS	CITY	STATE	ZIP	MAIL TYPE
04/09/2021	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
04/09/2021	DHS OFFICE OF INSPECTOR GENERAL/MAIL STOP 0305 DEPT OF HOMELAND SECURITY	WASHINGTON	WASHINGTON	DC	20528	OUTGOING-LEGAL
04/09/2021	ICE FIELD OFFICE DIRECTOR	1250 POYDRAS ST., STE #1800	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
04/08/2021	BUTLER / SNOW LLP	P.O. BOX 6010	RIDGELAND	MS	39158	INCOMING-LEGAL/CERTIFIED
04/08/2021	FAMILIES FOR FREEDOM	35 WEST 31ST ST., RM 702	NEW YORK	NY	10001	OUTGOING-LEGAL
04/08/2021	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
04/07/2021	DIONNE WHITE - I.C.E.	NEW ORLEANS FIELD OFFICE	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
04/07/2021	D.O. CRAWFORD @ I.C.E.	1010 E. WHATLEY RD.	OAKDALE	LA	70463	OUTGOING-LEGAL
04/02/2021	DHS OFFICE OF INSPECTOR GENERAL/MAILSTOP	0305 DEPARTMENT OF HOMELAND SECURITY	WASHINGTON	DC	20528	OUTGOING-LEGAL
04/02/2021	EVERETT MCKINLEY DIRKEN U.S. DISTRICT COURT	218 SOUTH DEARBORN ST. RM 220	CHICAGO	IL	60604	OUTGOING-LEGAL
04/02/2021	CLERK, U.S. DISTRICT COURT	COURTHOUSE	JACKSON	MS	39201	OUTGOING-LEGAL
04/02/2021	CLERK OF THE U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
04/02/2021	ICE FIELD OFFICE DIRECTOR	1250 POYDRAS ST., STE 1800	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
03/23/2021	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
03/23/2021	FAMILIES FOR FREEDOM	35 W. 31ST ST., RM. 702	NEW YORK	NY	10001	OUTGOING-LEGAL
03/23/2021	ANNA LITTLE MORRIS @ BUTLER / SNOW LLP	BUTLER / SNOW LLP	RIDGELAND	MS	39157	OUTGOING-LEGAL
03/22/2021	CLERK, U.S. DISTRICT COURT	P.O. BOX 6010	RIDGELAND	MS	39158	INCOMING-LEGAL/CERTIFIED
03/19/2021	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
03/15/2021	DHS - OIG OFFICE	ATTN: OFFICE OF INVESTIGATION	WASHINGTON	DC	20528	OUTGOING-LEGAL
03/15/2021	I.C.E. FIELD OFFICE DIRECTOR	1250 POYDRAS ST., STE 1800	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
03/15/2021	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
03/04/2021	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
03/04/2021	ANNA LITTLE MORRIS @ BUTLER / SNOW LLP	BUTLER / SNOW LLP	RIDGELAND	MS	39157	OUTGOING-LEGAL
02/24/2021	ANNA LITTLE MORRIS @ BUTLER / SNOW LLP	BUTLER / SNOW LLP	RIDGELAND	MS	39158	OUTGOING-LEGAL
02/22/2021	CLERK, U.S. DISTRICT COURT	1300 25TH AVE., STE. 204	GULFPORT	MS	39501	INCOMING-LEGAL/CERTIFIED
02/22/2021	CLERK, U.S. DISTRICT COURT	701 MAIN ST., RM. 200	HATTIESBURG	MS	39401	INCOMING-LEGAL
02/11/2021	BUTLER / SNOW LLP	P.O. BOX 6010	RIDGELAND	MS	39158	INCOMING-LEGAL/CERTIFIED
02/09/2021	THE HON. JUDGE CRUZ	THE MICKEY LEE AND FEDERAL BUILDING	HOUSTON	TX	77002	OUTGOING-LEGAL
02/09/2021	ICE FIELD OFFICE DIRECTOR	1250 POYDRAS ST., SUITE 1800	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
02/09/2021	THE HON. JOSH HAWLEY	GREAT ST. CHARLES COUNTY CHAMBER OF COMMERCE	ST. CHARLES	MO	63302	OUTGOING-LEGAL
02/05/2021	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., SUITE 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
02/05/2021	THE HON. JOHN BARRASSO	100 EAST B STREET, SUITE 200	CASPER	WY	82501	OUTGOING-LEGAL
02/05/2021	THE HON. CINDY HYDE-SMITH	190 EAST CAPITOL ST., SUITE 550	JACKSON	MS	39201	OUTGOING-LEGAL
02/05/2021	THE HON. BILLY GASSIDY	5555 HILTON AVE., SUITE 100	BATON ROUGE	LA	70808	OUTGOING-LEGAL
02/05/2021	THE HON. MITCH MCCONNELL	601 W. BROADWAY, ROOM 630	LOUISVILLE	KY	40202	OUTGOING-LEGAL
02/05/2021	THE HON. LINDSEY GRAHAM	235 EAST MAIN, SUITE 100	ROCK HILL	SC	29730	OUTGOING-LEGAL
02/05/2021	THE HON. MITT ROMNEY	125 S. STATE STREET, SUITE 8402	SALT LAKE CITY	UT	84138	OUTGOING-LEGAL
01/25/2021	CLERK, BOARD OF IMMIGRATION APPEALS	5107 LEESBURG PIKE, STE 2000	FALLS CHURCH	VA	22041	INCOMING-LEGAL
01/19/2021	U.S. DEPT. OF HOMELAND SECURITY	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES	WASHINGTON	DC	20528	INCOMING-LEGAL
01/19/2021	ANNA LITTLE MORRIS @ BUTLER / SNOW LLP	BUTLER / SNOW LLP	RIDGELAND	MS	39157	OUTGOING-LEGAL
01/19/2021	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
01/11/2021	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	HATTIESBURG	MS	39401	INCOMING-LEGAL
01/11/2021	ACLU-MS	INTAKE DEPARTMENT	JACKSON	MS	39225	OUTGOING-LEGAL

MAIL DATE	MAIL FROM/TO	ADDRESS	CITY	STATE	ZIP	MAIL TYPE
01/08/2021	ANNA LITTLE MORRIS @	BUTLER SNOW LLP	RIDGELAND	MS	39157	OUTGOING-LEGAL
01/08/2021	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
01/08/2021	U.S. DEPT. OF JUSTICE	U.S. ATTORNEY'S OFFICE-SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
12/31/2020	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2.500	JACKSON	MS	39201	INCOMING-LEGAL
12/28/2020	HAYDEN WINDROW- U.S. DOJ	P.O. BOX 388 BEN FRANKLIN STATION	WASHINGTON	DC	20044	OUTGOING-LEGAL
12/29/2020	CLERK, U.S. COURT OF APPEALS	FIFTH CIRCUIT	NEW ORLEANS	LA	70130	OUTGOING-LEGAL
12/23/2020	U.S. DEPT. OF JUSTICE	OFFICE OF THE U.S. ATTORNEY SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
12/21/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
12/18/2020	OFFICE OF THE CLERK	U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT	CHICAGO	IL	60604	INCOMING-LEGAL
12/18/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
12/18/2020	JESSICA BOURNE	U.S. ATTORNEY'S OFFICE	JACKSON	MS	39201	INCOMING-LEGAL
12/17/2020	U.S. DOJ - U.S. ATTORNEYS OFFICE	501 E. COURT ST., STE. 4.430	JACKSON	MS	39201	INCOMING-LEGAL
12/17/2020	U.S. COURT OF APPEALS-5TH CIR.	600 S. MAESTRI PL.	NEW ORLEANS	LA	70130	INCOMING-LEGAL
12/15/2020	JESSICA BOURNE	U.S. ATTORNEY'S OFFICE	JACKSON	MS	39201	OUTGOING-LEGAL
12/15/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
12/09/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
12/08/2020	ANNA LITTLE MORRIS	BUTLER SNOW LLP	RIDGELAND	MS	39157	OUTGOING-LEGAL
12/08/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
12/07/2020	ICE NEW ORLEANS FIELD OFFICE DIRECTOR	1250 POYDRAS STREET SUITE 325	NEW ORLEANS	LA	70119	OUTGOING-LEGAL
12/07/2020	OFFICE FOR CIVIL RIGHTS/CIVIL LIBERTIES	U.S. DEPT. OF HOMELAND SECURITY	WASHINGTON	DC	20528	OUTGOING-LEGAL
12/04/2020	U.S. DEPT. OF JUSTICE	U.S. ATTORNEY'S OFFICE-SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
12/01/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	HATTIESBURG	MS	39401	INCOMING-LEGAL
11/27/2020	ASSISTANT CHIEF COUNSEL OF DHS-ICE	201 VARICK STREET 11TH FLOOR RM 1130	NEW YORK	NY	10014	OUTGOING-LEGAL
11/27/2020	U.S. DEPT. OF JUSTICE	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	FALLS CHURCH	VA	22041	OUTGOING-LEGAL
11/25/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	HATTIESBURG	MS	39401	INCOMING-LEGAL
11/24/2020	U.S. DEPT. OF JUSTICE	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	FALLS CHURCH	VA	22041	INCOMING-LEGAL
11/24/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
11/24/2020	FAMILIES FOR FREEDOM	35 W. 31ST STREET RM 702	NEW YORK	NY	10014	OUTGOING-LEGAL
11/24/2020	JESSICA BOURNE	U.S. ATTORNEY'S OFFICE	JACKSON	MS	39201	OUTGOING-LEGAL
11/20/2020	USPS	RTS (NO SUCH NUMBER-UNABLE TO FWD)				RETURN TO SENDER
11/12/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	HATTIESBURG	MS	39401	INCOMING-LEGAL
11/09/2020	CLERK, UNITED STATES DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
11/09/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
11/09/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
11/09/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
11/09/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
11/09/2020	HELEN KAYE BURKE, ESQ.	ASSISTANT CHIEF COUNSEL	NEW YORK	NY	10014	OUTGOING-LEGAL
11/09/2020	BOARD OF IMMIGRATION APPEALS	OFFICE OF THE CLERK	FALLS CHURCH	VA	22041	OUTGOING-LEGAL
11/03/2020	JESSICA BOURNE	ASSISTANT UNITED STATES ATTORNEY	JACKSON	MS	39201	INCOMING-LEGAL
11/03/2020	BUTLER SNOW LLP	P.O. BOX 600	RIDGELAND	MS	39158	INCOMING-LEGAL
11/03/2020	DHS OFFICE OF INSPECTOR GENERAL	OFFICE OF INVESTIGATION	WASHINGTON	DC	20528	OUTGOING-LEGAL
11/03/2020	FAMILIES FOR FREEDOM	35 WEST 31ST STREET 702	NEW YORK	NY	10014	OUTGOING-LEGAL
11/03/2020	ICE FIELD OFFICE DIRECTOR	1250 POYDRAS STREET SUITE 1800	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
11/02/2020	CLERK, U.S. DISTRICT COURT	701 MAIN ST. RM 200	HATTIESBURG	MS	39401	INCOMING-LEGAL
10/27/2020	U.S. DEPT. OF JUSTICE	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	FALLS CHURCH	VA	22041	INCOMING-LEGAL
10/19/2020	U.S. DEPT. OF JUSTICE	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	NEW YORK	NY	10014	INCOMING-LEGAL
10/13/2020	U.S. DEPT. OF JUSTICE	OFFICE OF THE CLERK-BOARD OF IMMIGRATION APPEALS	FALLS CHURCH	VA	22041	INCOMING-LEGAL
10/09/2020	FAMILIES FOR FREEDOM	35 W 31ST STREET RM 702	NEW YORK	NY	10014	INCOMING-LEGAL
10/07/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
10/06/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
10/01/2020	FAMILIES FOR FREEDOM	35 W 31ST STREET 702	NEW YORK	NY	10014	OUTGOING-LEGAL
09/29/2020	ASSISTANT CHIEF COUNSEL OF DHS-ICE	201 VARICK STREET 11TH FLOOR RM 1130	NEW YORK	NY	10014	OUTGOING-LEGAL
09/29/2020	BOARD OF IMMIGRATION APPEALS	CLERK'S OFFICE	FALLS CHURCH	VA	22041	OUTGOING-LEGAL



MAIL DATE	MAIL FROM/TO	ADDRESS	CITY	STATE	ZIP	MAIL TYPE
09/28/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/28/2020	WINDROW	U.S. DEPT. OF JUSTICE-CIVIL DIVISION, OIL-DSC	WASHINGTON	DC	20044	INCOMING-LEGAL
09/24/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/24/2020	U.S. COURT OF APPEALS FIFTH CIRCUIT	OFFICE OF THE CLERK-F EDWARD HEBERT BUILDING	NEW ORLEANS	LA	701303408	INCOMING-LEGAL
09/24/2020	WINDROW	U.S. DEPT. OF JUSTICE-CIVIL DIVISION OIL-DSC	WASHINGTON	DC	20044	INCOMING-LEGAL
09/24/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/24/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
09/21/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/21/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/16/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	HATTIESBURG	MS	39401	INCOMING-LEGAL
09/14/2020	U.S. DEPT. OF JUSTICE	U.S. ATTORNEYS OFFICE SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
09/14/2020	HONORABLE CAROLYN MALONEY	HOUSE COMMITTEE ON HOMELAND SECURITY	WASHINGTON	DC	20515	OUTGOING-LEGAL
09/14/2020	HONORABLE MIKE ROGERS	HOUSE COMMITTEE ON HOMELAND SECURITY	WASHINGTON	DC	20515	OUTGOING-LEGAL
09/14/2020	HONORABLE GARY PETERS	SENATE COMMITTEE ON HOMELAND SECURITY	WASHINGTON	DC	20510	OUTGOING-LEGAL
09/14/2020	HONORABLE RON JOHNSON	SENATE COMMITTEE ON HOMELAND SECURITY	WASHINGTON	DC	20510	OUTGOING-LEGAL
09/14/2020	HONORABLE BENNIE THOMPSON	HOUSE COMMITTEE ON HOMELAND SECURITY	WASHINGTON	DC	20515	OUTGOING-LEGAL
09/14/2020	HONORABLE JIM JORDAN	HOUSE COMMITTEE ON OVERSIGHT AND REFORM	WASHINGTON	DC	20515	OUTGOING-LEGAL
09/11/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
09/02/2020	U.S. COURT OF APPEALS	216 S. DEARBORN ST.	CHICAGO	IL	60604187	OUTGOING-LEGAL
09/02/2020	U.S. DEPT. OF HOMELAND SECURITY	2707 MARTIN LUTHER KING JR. AVE. SE	WASHINGTON	DC	205280190	OUTGOING-LEGAL
09/01/2020	OFFICE FOR CIVIL RIGHTS CIVIL LIBERTIES	U.S. DEPT. OF HOMELAND SECURITY	WASHINGTON	DC	20008	INCOMING-LEGAL
08/28/2020	EMBASSY OF FINLAND	3301 MASSACHUSETTS AVENUE NW	WASHINGTON	DC	20008	INCOMING-LEGAL
08/28/2020	DEPT. OF HOMELAND SECURITY	201 VARICK STREET 5TH FLOOR RM 507	NEW YORK	NY	10014	OUTGOING-LEGAL
08/28/2020	OFFICE FOR CIVIL RIGHTS, CIVIL LIBERTIES	U.S. DEPT. OF HOMELAND SECURITY	WASHINGTON	DC	205280190	OUTGOING-LEGAL
08/28/2020	ICE FIELD OFFICE DIRECTOR	ENFORCEMENT REMOVAL OPERATIONS	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
08/28/2020	CLERKS OFFICE, VARICK IMMIGRATION COURT	201 VARICK STREET 5TH FLOOR RM 507	NEW YORK	NY	10014	OUTGOING-LEGAL
08/26/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
08/26/2020	U.S. DISTRICT COURT OF APPEALS	F. EDWARD HERBERT BUILDING	NEW ORLEANS	LA	70130	OUTGOING-LEGAL
08/26/2020	CLERK, U.S. DISTRICT COURT	PRO SE LAW CLERK	ARMORY	MS	38211	OUTGOING-LEGAL
08/24/2020	CLERK, U.S. COURT OF APPEALS	FIFTH CIRCUIT	NEW ORLEANS	LA	70130	INCOMING-LEGAL
08/24/2020	CLERK, U.S. DISTRICT COURT	141 JACKSON AVE. E. RM. 369	OXFORD	MS	38655	INCOMING-LEGAL
08/17/2020	CLERK, U.S. COURT OF APPEALS	600 S. MAESTRI PL.	NEW ORLEANS	LA	70130	OUTGOING-LEGAL
08/17/2020	U.S. ATTORNEYS OFFICE	501 E. COURT ST. STE. 430	JACKSON	MS	39201	OUTGOING-LEGAL
08/05/2020	LOUIS GONZALEZ	UNASSIGNED	WASHINGTON	MS	39190	INCOMING-LEGAL
08/03/2020	CLERK, U.S. DISTRICT COURT	911 JACKSON AVE. W. RM. 369	OXFORD	MS	38655	OUTGOING-LEGAL
08/03/2020	CLERK, U.S. COURT OF APPEALS	7TH CIRCUIT	CHICAGO	IL	60604	OUTGOING-LEGAL
07/31/2020	CLERK, U.S. DISTRICT COURT	501 E. COURT ST. STE. 2500	JACKSON	MS	39201	INCOMING-LEGAL
07/30/2020	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2500	JACKSON	MS	39201	INCOMING-LEGAL
07/29/2020	CLERK, U.S. DISTRICT COURT	501 E. COURT ST. STE. 2500	JACKSON	MS	39201	OUTGOING-LEGAL
07/29/2020	CLERK, U.S. COURT OF APPEALS	SEVENTH CIRCUIT	CHICAGO	IL	60604	INCOMING-LEGAL
07/24/2020	CLERK, U.S. DISTRICT COURT	UNASSIGNED	JACKSON	MS	39201	INCOMING-LEGAL
07/24/2020	CLERK, U.S. DISTRICT COURT	UNASSIGNED	JACKSON	MS	39201	OUTGOING-LEGAL
07/22/2020	OFFICE OF THE CLERK	U.S. COURT OF APPEALS FOR SEVENTH CIRCUIT	CHICAGO	IL	6060418	INCOMING-LEGAL
07/22/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
07/22/2020	CLERK, U.S. DISTRICT COURT	203 GILMORE DRIVE	JACKSON	MS	38211	OUTGOING-LEGAL
07/20/2020	IMMIGRATION SECTION CANADIAN EMBASSY	501 PENNSYLVANIA AVENUE NW	WASHINGTON	DC	20001	INCOMING-LEGAL
07/20/2020	U.S. DEPT. OF HOMELAND SECURITY	OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES	WASHINGTON	DC	205280190	INCOMING-LEGAL
07/16/2020	UNITED STATES DISTRICT COURT	NORTHERN DISTRICT OF MISSISSIPPI FEDERAL BUILDING RM 369	OXFORD	MS	38655	INCOMING-LEGAL
07/15/2020	CLERK, U.S. COURT OF APPEALS	FIFTH CIRCUIT	NEW ORLEANS	LA	70130	INCOMING-LEGAL
07/14/2020	U.S. ATTORNEYS OFFICE	501 E. COURT ST., STE. 4430	JACKSON	MS	39201	INCOMING-LEGAL
07/14/2020	CLERK, U.S. DISTRICT COURT	U.S. COURT HOUSE	CHICAGO	IL	60604	INCOMING-LEGAL
07/13/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
07/13/2020	EVERETT MCKINLEY DIRKSEN	U.S. COURT HOUSE	CHICAGO	IL	60604	OUTGOING-LEGAL

MAIL DATE	MAIL FROM/TO	ADDRESS	CITY	STATE	ZIP	MAIL TYPE
07/13/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
07/10/2020	U.S. COURT OF APPEALS	FIFTH CIRCUIT OFFICE OF THE CLERK FEDWARD HERBERT BUILDING	NEW ORLEANS	LA	701303408	INCOMING-LEGAL
07/06/2020	FAMILIES FOR FREEDOM	35 W 31ST STREET ROOM 702	NEW YORK	NY	10001	INCOMING-LEGAL
07/02/2020	THE CLERK OF THE U.S. DISTRICT COURT	PRISONER CORRESPONDENCE U.S. COURT HOUSE	CHICAGO	IL	60604	OUTGOING-LEGAL
06/30/2020	THE EMBASSY OF FRANCE	4101 RESERVOIR ROAD NW	WASHINGTON	DC	20007	OUTGOING-LEGAL
06/30/2020	THE EMBASSY OF THE FED. REP. OF GERMANY	4635 RESERVOIR ROAD NW	WASHINGTON	DC	200071999	OUTGOING-LEGAL
06/30/2020	CLERK U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
06/30/2020	THE EMBASSY OF CANADA	501 E PENNSYLVANIA AVENUE NW	WASHINGTON	DC	20001	OUTGOING-LEGAL
06/29/2020	CLERK U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	INCOMING-LEGAL
06/29/2020	THE EMBASSY OF JAPAN	2520 MASSACHUSETTS AVENUE NW	WASHINGTON	DC	20008	OUTGOING-LEGAL
06/29/2020	THE ROYAL DANISH EMBASSY	3200 WHITEHAVEN STREET NW	WASHINGTON	DC	20008	OUTGOING-LEGAL
06/29/2020	THE EMBASSY OF THE KINGDOM OF SWAZILAND	1772 NEW HAMPSHIRE AVENUE NW	WASHINGTON	DC	20009	OUTGOING-LEGAL
06/29/2020	THE EMBASSY OF FINLAND	3301 MASSACHUSETTS AVENUE NW	WASHINGTON	DC	20008	OUTGOING-LEGAL
06/29/2020	THE EMBASSY OF IRELAND	2234 MASSACHUSETTS AVENUE NW	WASHINGTON	DC	20008	OUTGOING-LEGAL
06/29/2020	THE EMBASSY OF SWEDEN	2900 K STREET NW	WASHINGTON	DC	20005	OUTGOING-LEGAL
06/26/2020	CLERK U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MISSISSIPPI	JACKSON	MS	39201	OUTGOING-LEGAL
06/26/2020	JESSICA BOURNE	U.S. ATTORNEYS OFFICE	JACKSON	MS	39201	OUTGOING-LEGAL
06/24/2020	CLERK OF THE U.S. DISTRICT COURT	219 SOUTH DEARBORN STREET	CHICAGO	IL	60604	OUTGOING-LEGAL
06/22/2020	SOUTHERN POVERTY LAW CENTER	P.O. BOX 1287	DECATUR	GA	30031128	INCOMING-LEGAL
06/22/2020	EMBASSY OF THE FEDERAL REPUBLIC OF NIGERIA	CONSULAR SECTION	WASHINGTON	DC	20037	INCOMING-LEGAL
06/19/2020	CLERK, U.S. DISTRICT COURT	700 MAIN ST., ROOM 200	HATTIESBURG	MS	39401	OUTGOING-LEGAL
06/18/2020	ABA COMM. ON IMMIGRATION	1050 CONNECTICUT AVE., N.W. #400	WASHINGTON	DC	20036	INCOMING-LEGAL
06/18/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39401	OUTGOING-LEGAL
06/15/2020	CLERK, U.S. COURT OF APPEALS	FOR THE 7TH CIRCUIT	CHICAGO	IL	60604	INCOMING-LEGAL
06/15/2020	CLERK U.S. DISTRICT COURT	203 GILMORE DRIVE	AMORY	MS	38821	OUTGOING-LEGAL
06/11/2020	OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTY	U.S. DEPT OF HOMELAND SECURITY	WASHINGTON	DC	205280190	OUTGOING-LEGAL
06/11/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39201	INCOMING-LEGAL
06/09/2020	DEPT OF HOMELAND SECURITY	OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES	WASHINGTON	DC	205280190	INCOMING-LEGAL
06/08/2020	U.S. DISTRICT COURT	OFFICE OF THE CLERK	AMORY	MS	38821	INCOMING-LEGAL
06/08/2020	AMERICAN CIVIL LIBERTIES UNION	MISSISSIPPI	JACKSON	MS	39225	INCOMING-LEGAL
06/08/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
06/05/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
06/05/2020	EMBASSY OF THE FEDERAL REPUBLIC OF NIGERIA	CONSULAR SECTION	WASHINGTON	DC	20037	OUTGOING-LEGAL
05/28/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
05/28/2020	OFFICE OF THE CLERK U.S. DISTRICT COURT	PRISONER CORRESPONDENCE U.S. COURT HOUSE	CHICAGO	IL	60604	OUTGOING-LEGAL
05/05/2020	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	INCOMING-LEGAL
05/05/2020	CLERK, U.S. DISTRICT COURT	501 E COURT ST., STE. 2, 500	JACKSON	MS	39201	INCOMING-LEGAL
04/29/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
04/27/2020	PRESIDENT DONALD TRUMP	1600 PENNSYLVANIA AVE., N.W.	WASHINGTON	DC	20500	OUTGOING-LEGAL
04/20/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
04/15/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
04/07/2020	STANLEY CROCKETT - I.C.E. DIR.	1250 POYDRAS ST., STE. 325	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
03/26/2020	U.S. DEPT OF JUSTICE	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
03/25/2020	U.S. DOJ - U.S. ATTORNEY OFFICE	501 E. COURT ST., STE. 4, 430	JACKSON	MS	39201	INCOMING-LEGAL
03/17/2020	DHS/OFFICE OF INSPECTOR GENERAL	240 MURRAY DR., S.W. MAIL STOP 2600	WASHINGTON	DC	20528	OUTGOING-LEGAL
03/17/2020	CLERK, U.S. DISTRICT COURT	701 MAIN ST., ROOM 200	HATTIESBURG	MS	39401	OUTGOING-LEGAL
03/17/2020	JESSICA BOURNE U.S. ATTORNEY	501 E. COURT ST., STE. 1, 500	JACKSON	MS	39201	OUTGOING-LEGAL
03/12/2020	STANFORD LAW SCHOOL	IMMIGRANTS' RIGHTS CLINIC	STANFORD	CA	94305	OUTGOING-LEGAL
03/12/2020	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	OUTGOING-LEGAL
03/11/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39401	INCOMING-LEGAL
03/09/2020	FAMILIES FOR FREEDOM	UNASSIGNED	NEW YORK	NY	10001	INCOMING-LEGAL

MAIL DATE	MAIL FROM/TO	ADDRESS	CITY	STATE	ZIP	MAIL TYPE
03/04/2020	CLERK, U.S. DISTRICT COURT	701 MAIN ST., RM. 200	HATTIESBURG	MS	39401	OUTGOING-LEGAL
03/04/2020	JESSICA BOURNE	U.S. ATTORNEY'S OFFICE	JACKSON	MS	39201	OUTGOING-LEGAL
03/03/2020	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	INCOMING-LEGAL
02/26/2020	U.S. DEPT. OF JUSTICE	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
02/24/2020	DHS OFFICE OF INSPECTOR GENERAL	OFFICE OF INVESTIGATION	WASHINGTON	DC	20528	OUTGOING-LEGAL
02/21/2020	OFFICE OF THE CLERK, U.S. DISTRICT COURT	PRISONER CORRESPONDENCE	CHICAGO	IL	60604	OUTGOING-LEGAL
02/11/2020	JESSICA BOURNE, US ATTORNEY'S OFFICE	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	OUTGOING-LEGAL
02/11/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39401	OUTGOING-LEGAL
02/06/2020	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39401	INCOMING-LEGAL
01/16/2020	DHS OFFICE OF INSPECTOR GENERAL	OFFICE OF INVESTIGATION	WASHINGTON	DC	20528	OUTGOING-LEGAL
01/10/2020	US DOJ	SOUTHERN DISTRICT OF MS	JACKSON	MS	39201	INCOMING-LEGAL
01/03/2020	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	OUTGOING-LEGAL
12/17/2019	CLERK, U.S. DISTRICT COURT	SOUTHERN DISTRICT OF MS	HATTIESBURG	MS	39401	INCOMING-LEGAL
12/12/2019	FAMILIES FOR FREEDOM	35 W. 31ST STREET, #702	NEW YORK	NY	10001	OUTGOING-LEGAL
12/12/2019	STANLEY CROCKET, FIELD OFFICE	ENFORCEMENT REMOVAL OPERATIONS	NEW ORLEANS	LA	70113	OUTGOING-LEGAL
DIRECTOR						
12/10/2019	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	OUTGOING-LEGAL
12/04/2019	D. MICHAEL HURST, JR., U.S. AT	501 E. COURT ST., STE. 4.430	JACKSON	MS	39201	OUTGOING-LEGAL
12/04/2019	CLERK, U.S. DISTRICT COURT	701 MAIN ST., ROOM 200	HATTIESBURG	MS	39401	OUTGOING-LEGAL
11/25/2019	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 4.430	JACKSON	MS	39201	INCOMING-LEGAL
11/25/2019	CLERK, U.S. DISTRICT COURT	701 MAIN ST., RM. 200	HATTIESBURG	MS	39401	INCOMING-LEGAL
11/22/2019	JIM ROWE STATE'S ATTORNEY	COUNTY OF KANKAKEE	KANKAKEE	IL	60801	INCOMING-LEGAL
11/18/2019	CLERK, U.S. DISTRICT COURT	U.S. COURTHOUSE	CHICAGO	IL	60604	INCOMING-LEGAL
11/18/2019	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	INCOMING-LEGAL
11/12/2019	CLERK, U.S. DISTRICT COURT	U.S. COURTHOUSE	WASHINGTON	DC	60604	INCOMING-LEGAL
11/07/2019	U.S. DOJ - U.S. ATTORNEY'S OFFICE	501 E. COURT ST., STE. 4.430	JACKSON	MS	39201	INCOMING-LEGAL
11/07/2019	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2.500	JACKSON	MS	39210	INCOMING-LEGAL
11/06/2019	CLERK, U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	OUTGOING-LEGAL
10/31/2019	CLERK, U.S. DISTRICT COURT	501 E. COURT ST., STE. 2.500	JACKSON	MS	39201	OUTGOING-LEGAL
10/28/2019	FAMILIES FOR FREEDOM	35 WEST 31ST STREET RM 702	NEW YORK	NY	10001	INCOMING-LEGAL
10/21/2019	U.S. DISTRICT COURT	CENTRAL DISTRICT OF ILLINOIS	URBANA	IL	61802	INCOMING-LEGAL
10/21/2019	CLERK, U.S. DISTRICT COURT	201 S. VINE ST., ROOM 218	URBANA	IL	61802	INCOMING-LEGAL
10/17/2019	FAMILIES FOR FREEDOM	35 WEST 31ST STREET #702	NEW YORK	NY	10001	OUTGOING-LEGAL
10/15/2019	U.S. DISTRICT COURT	219 S. DEARBORN ST.	CHICAGO	IL	60604	OUTGOING-LEGAL
10/11/2019	U.S. DISTRICT COURT	CENTRAL DISTRICT OF ILLINOIS	URBANA	IL	61802	OUTGOING-LEGAL
10/11/2019	HILARY W. FROOMAN	ASST. US ATTNY.	SPRINGFIELD	IL	62701	OUTGOING-LEGAL

TOTAL ENTRIES: 235

# APPENDIX I

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

LOUIS GONZALEZ,

Plaintiff,

v.


ETOWAH COUNTY, *et al.*,

Defendants.

Case No. 4:21-cv-1250-AMM-HNJ

## ORDER

Plaintiff Louis Gonzalez, an alien detainee, has filed an application to proceed *in forma pauperis*. (Doc. 3). As an alien detainee, Gonzalez's application to proceed *in forma pauperis* is not subject to the Prison Litigation Reform Act. *See e.g., Troville v. Venz*, 303 F.3d 1256, 1259–60 (11th Cir. 2002) (“[T]he PLRA’s restrictions on actions brought by prisoners do not apply to civilly committed detainees.”). Gonzalez’s application reflects he has \$559.12 in his detainee account, but that he has no assets or sources of income. (Doc. 3 at 1–2). Accordingly, the undersigned **GRANTS** Gonzalez’s application to proceed *in forma pauperis*. (Doc. 3).

DONE and ORDERED this 21<sup>st</sup> day of September, 2021.  
HERMAN N. JOHNSON, JR.  
UNITED STATES MAGISTRATE JUDGE

## **APPENDIX J**

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

LOUIS GONZALEZ a/k/a CARLOS RAMOS )  
SANCHEZ (#A209-413-252), )

Plaintiff, )

v. )

MAGISTRATE JUDGE ELAINE E. )  
BUCKLO, et al., )

Defendants. )

No. 21-cv-02834

Judge Andrea R. Wood

**ORDER**

Plaintiff's application for leave to proceed *in forma pauperis* [3] is denied without prejudice. If Plaintiff wants to proceed with this lawsuit, he must either submit a new application on the Court's required form or prepay the \$402.00 filing fee. He also must show good cause (that is, explain the reasons) in writing why this case should not be dismissed based on apparent false statements in his *in forma pauperis* application. If Plaintiff does not comply with this order by 8/13/2021, the Court will summarily dismiss this case. The Clerk is directed to mail Plaintiff a blank application for leave to proceed *in forma pauperis* (prisoner version) and a copy of this order.

**STATEMENT**

Plaintiff Louis Gonzalez (also known as Carlos Ramos Sanchez), an immigration detainee housed at the Etowah County Detention Center in Gadsden, Alabama, brings this *pro se* civil rights action relating to the dismissal of a prior federal civil rights lawsuit. This case is among four that Gonzalez filed in quick succession. *See Gonzalez v. Zenoff*, No. 21 C 2765 (N.D. Ill.) (Blakey, J.); *Gonzalez v. One Unknown Ice Officer*, No. 21 C 2748 (N.D. Ill.) (Bucklo, J.); and *Gonzalez v. Unknown Custom Designer*, No. 21 C 2976 (N.D. Ill.) (Tharp, J.). As in the other three cases, Gonzalez here seeks leave to proceed *in forma pauperis* ("IFP"), *i.e.*, without prepayment of the full filing fee. Gonzalez previously submitted a properly supported IFP application in a prior case in this District. *Gonzalez v. Waukegan Police Dep't*, No. 19 C 5734, Dkt. 3, 4 (N.D. Ill.) (Bucklo, J.).

In his IFP application in this case (Dkt. No. 3 at 1), Gonzalez asserts that, as an immigration detainee, he does not fall within the Prison Litigation Reform Act's ("PLRA") definition of "prisoner," and therefore he is not subject to its terms. He is correct that immigration detainees are not "prisoners" as defined by the statute. *See* 28 U.S.C. § 1915(h) (defining "prisoner as "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program"); *see also Shuhaiber v. Ill. Dep't of Corr.*,



980 F.3d 1167, 1170 (7th Cir. 2020) (person held on an immigration detainer is not subject to filing fee requirements of PLRA); *Agyeman v. I.N.S.*, 296 F.3d 871, 885–86 (9th Cir. 2002) (alien detainees are not “prisoners” under the PLRA unless they also face criminal charges).

This fact alone does not entitle Gonzalez to proceed without prepayment of the filing fee, however. Civil litigants ordinarily must pay a filing fee to bring an action in federal court. *See* 28 U.S.C. § 1914. If an indigent litigant submits an affidavit, including a statement of assets showing his inability to pay the filing fee, the Court may, pursuant to 28 U.S.C. § 1915, authorize commencement of a federal action without prepayment of the filing fee. 28 U.S.C. § 1915(a)(1); *see* LR 3.3(b) (“Any document submitted for filing for which a filing fee is required must be accompanied either by the appropriate fee or an IFP petition.”). But here, Gonzalez’s IFP application does not comply with the Court’s requirements. It is not on the Court’s required form. And it also does not demonstrate that Gonzalez cannot prepay the filing fee. Gonzalez provides less than three weeks of account data, covering just April 15, 2021 through May 5, 2021, well under the six months of account data the Court usually considers in determining whether an inmate or detainee is indigent. More importantly, Gonzalez had \$537.06 in his account on or about May 5, 2021 and had, in the preceding three weeks, maintained a balance of at least \$507.16 in that account. (Dkt. No. 3 at 2, 3.) Gonzalez’s statement also reflects a deposit of \$50.00 on April 29, 2021. (*Id.*) The account balance and deposits are at odds with Gonzalez’s indication within his preceding application that he has no “other sources of money” or assets outside \$1.50 a day he had received from the Adams County Detention Center (apparently a previous place of detention).

Gonzalez’s IFP application is thus denied. First, because Gonzalez has maintained a balance greater than the filing fee, it is not clear that he is indigent under 28 U.S.C. § 1915, given that his daily necessities are provided by the jail. The application also contains so little account information that the Court cannot assess Gonzalez’s overall financial condition over the preceding months, as the application requires, even for non-prisoner applicants. Second, even if Gonzalez were to demonstrate that he cannot pre-pay the full filing fee, it may be appropriate to impose a partial filing fee, given the substantial sum in Gonzalez’s trust fund account at the time of filing. *See Longbehn v. United States*, 169 F.3d 1082, 1083 (7th Cir. 1999) (“[p]artial-payment requirements remain appropriate even when the PLRA does not apply”); *see also* LR 3.3(e) (“In addition to granting or denying an IFP petition, the judge may order the payment of a partial filing fee when the plaintiff’s financial circumstances so warrant.”).

If Gonzalez wants to proceed with this case, he may submit a new application on the Court’s required form. Gonzalez must disclose on the application all funds received in the prior year. Gonzalez also should explain on that application why he believes he should not have to pre-pay the full filing fee even though he has the funds to do so. Alternatively, Gonzalez may pre-pay the \$402.00 filing fee. Payment should be sent to the Clerk of Court, United States District Court, 219 South Dearborn Street, Chicago, Illinois 60604, attn: Cashier’s Desk, 20th Floor, and must clearly identify Gonzalez’s name and the case number assigned to this case. Even if Gonzalez complies with those filing-fee obligations, this case will not necessarily proceed, as in his IFP application Gonzalez represented that he did not have any assets or income outside of a nominal



daily payment during his prior detention at the Adams County Detention Center, and that disclosure of income is inconsistent with the substantial funds in his account.

Notwithstanding any fee paid, the Court must dismiss the case if “the allegation of poverty is untrue,” *see* 28 U.S.C. § 1915(e)(2)(A), and may, of course, punish litigants with sanctions including dismissal of a lawsuit for other untruthful statements. Gonzalez signed and printed his name under the statement “I declare under penalty of perjury that the above information is true and correct. I understand that a false statement may result in dismissal of my claim or other sanctions.” (Dkt. No. 3 at 2.) The inconsistency between the funds deposited during the twenty days covered by Gonzalez’s trust fund ledger and his representation that he has no substantial income from any source suggests that he did not accurately disclose his financial condition. He may not disclose incorrect information within the application and then expect the Court to correct his submission and overlook that he submitted sworn misrepresentations. *See Mullins v. Hallmark Data Sys., LLC*, 511 F. Supp. 2d 928, 940 (N.D. Ill. 2007) (noting that dismissal without prejudice for false allegation of poverty would allow *pro se* plaintiff’s “gamble with the false IFP affidavit” to pay off by leaving her “in no worse position than if she had told the truth. . . . This sort of heads I win, tails you lose approach is unacceptable in all contexts”).

To proceed with this action, then, Gonzalez also must show good cause in writing why this case should not be dismissed based on a false statement in his IFP application. *See Kennedy v. Huibregtse*, 831 F.3d 441, 444 (7th Cir. 2016) (finding dismissal with prejudice was proper sanction for attempting to conceal assets when applying for IFP status). The Court will consider Gonzalez’s written explanation for his actions and whether to allow him to proceed. If Gonzalez fails to comply with this order by August 13, 2021, the Court will proceed without the benefit of his views.

Gonzalez should be aware that, under 28 U.S.C. § 1915(e)(2)(B), his complaint is subject to screening if continues to seek leave to proceed IFP and the complaint or any part of it that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, will be subject to dismissal.

The Clerk of Court is directed to send Gonzalez a blank application to proceed IFP (prisoner version<sup>1</sup>) and a copy of this order.

Date: July 2, 2021



Andrea R. Wood  
United States District Judge

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<sup>1</sup> Although Gonzalez is not a prisoner as defined by the PLRA, that form better comports with his current status and the Court’s needs in assessing his financial condition, as he is in custody with funds in a facility trust fund account.

# **APPENDIX K**

## ATTACHED TO PETITION FOR A WRIT OF CERTIORARI

Courts in the Federal District of Illinois apply PLRA filing fee provisions to immigration detainees, contrary to other courts in several different circuits (e.g., Alabama and Mississippi Districts) (*See* App. I and J, orders from two different districts showing the difference).

In *Agyeman v. INS*, 296 F.3d 871 (9th Cir. 2002), the Court for the Ninth Circuit held that the filing fees provisions of the Prison Litigation Reform Act ("PLRA") do not apply to INS detainees. The Court asserted, "[w]e also hold that the filing fee provisions of the PLRA, Pub. L. No. 104-134, 110 Stat. 1321 (1996), do not apply to an alien detainee who proceeds in forma pauperis to petition for review from a BIA decision, so long as he does not also face criminal charges). *Id* at 886.

This is contrary to the Illinois Judicial District, which apply PLRA rules that other courts only apply to prisoners, even when the Seventh Circuit recognize that aliens are not prisoners. It is true that other courts had found that "[u]nlike other indigent litigants, prisoners proceeding in forma pauperis must pay the full amount of the filing fees in civil actions and appeals pursuant to the PLRA. 28 U.S.C. § 1915(b)(1); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002). stating that "[i]f the prisoner lacks the means to pay the fee at the time of filing, the PLRA provides for assessment and subsequent collection of the fees as funds become available to him. 28 U.S.C. § 1915(b)," *Taylor*, 281 F.3d at 847, but such rules are applied by other courts to persons under the "prisoners" definition only.

But in Illinois, as it is shown in the Seventh Circuit Court of Appeals order,

(See App. G), the Court ordered that "[t]he clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of section 1915(b)" [meaning from the ICE detainee Plaintiff]. The Court citing *Newlin v. Helman*, a case that stated that "(If the prisoner lacks the means to pay the fee at the time of filing, the PLRA provides for assessment and subsequent collection of the fees as funds become available to him. 28 U.S.C.S. § 1915(b)), " the Seventh Circuit assessed to the Plaintiff the obligation to pay the filing fee for his action was incurred at the time the action was filed, thus the filing [ ] remains due and payable, and that this obligation continues regardless of later developments in the suit, such as dismissal of the action or denial of leave to proceed IFP. See 28 U.S.C. § 1915(b)(1). *Id* at App. G, which other courts apply to prisoners only.

The Ninth Circuit found that "as defined in the PLRA, a "prisoner" is "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915(h). [The Court] has held that the statutory term "prisoner" is limited to an individual who is "currently detained as a result of accusation, conviction, or sentence for a criminal offense." *Page v. Torrey*, 201 F.3d 1136, 1139-40 (9th Cir. 2000) (emphasis added). Thus, the term "prisoner" does not encompass a civil detainee for purposes of the PLRA. *Id*.

Also the Court determined whether an alien detained by the INS pending deportation falls within the term "prisoner," or is a civil detainee falling outside the

ambit of the PLRA." Thus the Court continued "[i]t is well established that deportation proceedings are civil, rather than criminal, in nature. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 82 L. Ed. 2d 778, 104 S. Ct. 3479, (1984)); *Kim v. Ziglar*, 276 F.3d 523, 530 (9th Cir. 2002). As early as 1893, the Supreme Court held: "The order of deportation is not a punishment for crime." *Ting v. United States*, 149 U.S. 698, 730, 37 L. Ed. 905, 13 S. Ct. 1016 (1893). [ ] Thus, in accordance with these earlier pronouncements the Court found that "deportation, however severe its consequences, has been consistently classified as a civil rather than a criminal procedure." *Harisiades v. Shaughnessy*, 342 U.S. 580, 594, 96 L. Ed. 586, 72 S. Ct. 512 (1952); see also *United States v. Yacoubian*, 24 F.3d 1, 10 (9th Cir. 1994) (dismissing an ex post facto challenge to deportation because the ex post facto clause is only applicable to "criminal laws").

Therefore, the Court concluded that "[c]onsistent with the principle that deportation is a civil rather than a criminal procedure, we hold that an alien detained by the INS pending deportation is not a "prisoner" within the meaning of the PLRA. Thus, we join two of our sister circuits in holding that the filing fee requirements of the PLRA do not apply to an alien detainee proceeding in forma pauperis [ ]."

In *kingsley v. Hendrickson*, 597 U.S. 389, this Court found that the prison litigation reform act of 1995, 42 U.S.C.S. § 1997e, which is designed to deter the filing of frivolous litigation against prison officials, applies to both pretrial detainees and convicted prisoners. *Id* at 402, but it is not clear if immigrant

detainees, which the definition of prisoner does not apply to them, must be included in the prison litigation reform act of 1995, 42 U.S.C.S. § 1997e.

Also, in the Illinois Judicial District, *pro se* Plaintiffs have to litigated—not against the Defendants' lawyers—but against the District Judges that are scanning and sometimes not properly dismissing the complaints under 28 U.S.C. § 1915(e)(2) and F.R.C.P. 12(b)(6). The judges dismiss the complaints, as in the present case, for example, for failure to state a claim. The District Judge in his first reason for not letting Plaintiff's complaint to proceed asserted that "Plaintiff has not stated a claim against any of the Defendants." But, "[b]y the plain terms of the 42 U.S.C. § 1983, [42 U.S.C. § 1983 permits plaintiffs to bring damages suits against state officials for constitutional violations. No analogous statutory cause of action exists for suits against federal officials], two—and only two—allegations are required in order to state a cause of action under that statute. First, the plaintiff must allege that some person has deprived him of a federal right. Second, he must allege that the person who has deprived him of that right acted under color of State or territorial law." *Gomez v. Toledo*, 446 U.S. 635 at 640 (1980).

Also, the Supreme Court have affirmed that "a complain may not be dismissed unless no relief could be proved consistent with the allegations." *Hishon v. King & Spalding*, 446 U.S. 69, 73 (1984).

Also, the Illinois Courts are not allowing *pro se* plaintiffs proceed with the appeals in forma pauperis under the allegation, as in the present case, that there does not exist a non-frivolous issue—even when as in the present case, the

Petitioner described a Constitutional due process violation. This Court in *Ellis v. United States*, 356 U.S. 674, for example, has found that the only statutory requirement for allowance of an indigent's appeal was the applicant's "good faith". 28 U.S.C.S. § 1915. The Court ruled that in the absence of some evident improper motive, the applicant's good faith was established by the presentation of any issue that was not plainly frivolous. In *Ellis* the Court found that probable cause to arrest was not an issue that "can necessarily be characterized as frivolous." *Id* at 675

Therefore, the intervention of this Court is needed in order to correct and clarify the application of the PLRA rules to immigrant detainees.

For the foregoing reasons, Petitioner respectfully request that this Court issue a writ of certiorari to review the judgment of the Illinois Court of Appeals.

DATED this 20<sup>th</sup> day of April, 2022.

Respectfully Submitted,



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Louis Gonzalez, a/k/a  
Carlos Ramos Sanchez  
A209-413-252  
LaSalle ICE Processing Center  
P.O. Box 560  
Trout, LA 71371