

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

February 2, 2023

Before:

Diane S. Sykes, *Chief Circuit Judge*
Thomas L. Kirsch II, *Circuit Judge*
Candace Jackson-Akiwumi, *Circuit Judge*

SAMUEL DICKERSON, Plaintiff-Appellant, No. 22-3167 v. KEN SCARLETT, Chief of Springfield Police Department, et al., Defendants-Appellees.] Appeal from the United States District Court for the Central District of Illinois.]] No. 3:22-cv-03184-CSB]] Colin S. Bruce,] Judge.

ORDER

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

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

The district court has not entered a final judgment under Fed. R. Civ. P. 58 in this case, and for good reason – plaintiff Samuel Dickerson’s case is not at an end.

In its merits review of October 25, 2022 – the order plaintiff Samuel Dickerson appeals – the district court dismissed some of plaintiff Samuel Dickerson’s claims. But importantly, the district court found that plaintiff Samuel Dickerson’s “[c]omplaint states a false arrest claim against John Doe and Jane Doe, the two Springfield Police Officers who arrested Plaintiff.” As such, the district court has more work to do.

Orders on Motions

3:22-cv-03184-CSB Dickerson v.

Doe et al

56,APPEAL,MERIT REVIEW
HELD,PRISONER,PROSE,SERVICE
ORDERED

U.S. District Court

CENTRAL DISTRICT OF ILLINOIS

Notice of Electronic Filing

The following transaction was entered on 1/30/2023 at 9:25 AM CST and filed on 1/30/2023

Case Name: Dickerson v. Doe et al

Case Number: 3:22-cv-03184-CSB

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER entered by Judge Colin Stirling Bruce on 1/30/2023. Plaintiff's motion for counsel [30] is GRANTED. Plaintiff has asserted that he is mentally handicapped and that he lacks access to legal materials in order to litigate this case. These factors weigh in favor of the Court attempting to find counsel to represent Plaintiff. However, the Court does not possess the authority to require an attorney to accept pro bono appointments on civil cases such as this. Pruitt v. Mote, 503 F.3d 647, 653 (7th Cir. 2007). The most that the Court can do is to ask for volunteer counsel. Jackson v. County of McLean, 953 F.2d 1070, 1071 (7th Cir. 1992). Recently, the Court has been unsuccessful in its attempts to recruit counsel for other pro se prisoner plaintiffs and civil detainee plaintiffs, but the Court will endeavor to try to find counsel for Plaintiff in this case. While the Court attempts to recruit counsel for Plaintiff, he should continue to litigate this case himself and should comply with all Court-imposed deadlines and any deadlines under the Federal Rules of Civil Procedure and the Court's Local Rules. If the Court is unsuccessful, Plaintiff must understand that he will need to continue to represent himself. The Court will advise the Parties, as soon as practicable, after it has obtained volunteer counsel for Plaintiff or after it becomes clear that the Court has been unsuccessful in its attempts to recruit counsel for Plaintiff. (KE)

3:22-cv-03184-CSB Notice has been electronically mailed to:

Nicholas Correll nicholas.correll@springfield.il.us

Steven C Rahn steven.rahn@springfield.il.us, corporation.counsel@springfield.il.us, james.zerkle@springfield.il.us, Kayley.Long@springfield.il.us, sarah.tepper@springfield.il.us

3:22-cv-03184-CSB Notice has been delivered by other means to:

Samuel Dickerson
72379
SANGAMON

Orders on Motions

3:22-cv-03184-CSB Dickerson v.
Doe et al

56,PRISONER,PROSE

U.S. District Court

CENTRAL DISTRICT OF ILLINOIS

Notice of Electronic Filing

The following transaction was entered on 9/19/2022 at 5:03 PM CDT and filed on 9/19/2022

Case Name: Dickerson v. Doe et al

Case Number: 3:22-cv-03184-CSB

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER granting [3] Petition to Proceed In Forma Pauperis entered by Judge Colin Stirling Bruce on 9/19/2022. Pursuant to 28 U.S.C. Section 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$44.50. The agency having custody of Plaintiff is directed to forward the initial partial filing fee from Plaintiff's account to the Clerk of Court within 30 days of this order. After payment of the initial partial filing fee (or immediately if no funds are available for that payment) the agency having custody of Plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to Plaintiff's account to the Clerk of Court. Income includes all deposits from any source, including gifts. The agency having custody of the plaintiff shall forward these payments each time Plaintiff's account exceeds \$10, until the filing fee of \$350 is paid in full. The Clerk is directed to mail a copy of this order to Plaintiff's place of confinement, to the attention of the Trust Fund Office, and to Plaintiff. Prisoner Prepayment due by 10/19/2022. (KE)

3:22-cv-03184-CSB Notice has been electronically mailed to:

3:22-cv-03184-CSB Notice has been delivered by other means to:

Samuel Dickerson
72379
SANGAMON
Sangamon County Jail
1 Sheriffs Plaza
Springfield, IL 62701

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

SAMUEL DICKERSON,)
)
Plaintiff,)
)
v.) No.: 22-3184-CSB
)
)
JOHN DOE, *et al.*,)
)
Defendants.)

MERIT REVIEW ORDER

COLIN S. BRUCE, U.S. District Judge:

Plaintiff Samuel Dickerson, proceeding *pro se*, is a detainee at the Sangamon County Jail ("the Jail"). The Court granted Plaintiff leave to proceed *in forma pauperis*, and the case is now before the Court for a merit review of his claims. Because Plaintiff is a prisoner for purposes of the Prison Litigation Reform Act, the Court is required by 28 U.S.C. § 1915A to "screen" Plaintiff's Complaint and, through such process, to identify and dismiss any legally insufficient claim or the entire action, if warranted. A claim is legally insufficient if it "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." 28 U.S.C. § 1915A.

In reviewing the complaint, the Court accepts the factual allegations as true, liberally construing them in the plaintiff's favor. *Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). However, conclusory statements and labels are insufficient. Enough facts

him. Plaintiff has alleged that the officers lacked probable cause to arrest him, and therefore, the Court will allow him to proceed against the two Doe Defendants on his false arrest claim.

However, Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Defendant Michael Sullivan, Plaintiff's criminal defense attorney, or Defendant Ken Scarlet, Chief of the Springfield Police Department. As to these two individuals, Plaintiff makes broad allegations based upon sweeping legal conclusions that they conspired against him, violated his Equal Protection rights, and otherwise discriminated against him. But as noted *supra*, conclusory statements and legal labels are insufficient to state a claim upon which relief can be granted against a Defendant. Plaintiff has not alleged sufficient facts to support a conspiracy claim; he has not alleged sufficient facts to support an Equal Protection claim; and he has not alleged sufficient facts to support a *Monell* claim.

Finally, the Court notes that it cannot effect service of process upon a John Doe or Jane Doe Defendant. *Keller v. Gruninger*, 2018 WL 3068318, * 2 (N.D. Ill. June 21, 2018). Therefore, the Court will keep Ken Scarlet in the case as a "placeholder Defendant" in order to allow the case to proceed. *Rodriguez v. McCloughen*, 49 F.4th 1120, 1121 (7th Cir. 2022). Plaintiff should understand, however, that, at some point, the Court will dismiss Ken Scarlet because his Complaint fails to state a claim against him upon which relief can be granted. Plaintiff must use the discovery process to identify the John Doe and Jane Doe Defendants who (allegedly) arrested him without probable cause. Once he identifies these individuals by name, Plaintiff must seek leave to file an amended

Defendants' counsel has filed an appearance will generally be denied as premature.

Plaintiff need not submit any evidence to the Court at this time unless otherwise directed by the Court.

5. The Court will attempt service on Defendants by mailing a waiver of service to them. Defendants have sixty (60) days from the date that the waiver is sent to file an answer. If Defendants have not filed an answer or appeared through counsel within ninety (90) days of the entry of this Order, Plaintiff may file a motion requesting the status of service. After Defendants have been served, the Court will enter an Order setting discovery and dispositive motion deadlines.

6. With respect to a Defendant who no longer works at the address provided by Plaintiff, the entity for whom that Defendant worked while at that address shall provide to the Clerk said Defendant's current work address, or, if not known, said Defendant's forwarding address. This information shall be used only for effectuating service. Documentation of forwarding addresses shall be retained only by the Clerk and shall not be maintained in the public docket nor disclosed by the Clerk.

7. Defendants shall file an answer within sixty (60) days of the date that the waiver is sent by the Clerk. A motion to dismiss is not an answer. The answer should include all defenses appropriate under the Federal Rules. The answer and subsequent pleadings shall be to the issues and claims stated in this opinion. In general, an answer sets forth the Defendant's positions. The Court does not rule on the merits of those positions unless and until a motion is filed by a Defendant. Therefore, no response to the answer is necessary or will be considered.

12. The Clerk of the Court is directed to enter the standard qualified protective order pursuant to the Health Insurance Portability and Accountability Act.

Entered this 25th day of October, 2022

/s Colin S. Bruce
COLIN S. BRUCE
UNITED STATES DISTRICT JUDGE