

APPENDIX

TABLE OF CONTENTS

APPENDIX A:	Seventh Circuit Court of Appeals Decision (Feb. 18, 2025)	1a
APPENDIX B:	District Court Decision (Feb. 9, 2023)	18a
APPENDIX C:	U.S. Const. Amend. IV	40a
APPENDIX D:	U.S. Const. Amend. VIII	41a
APPENDIX E:	U.S. Const. Amend. XIV	42a
APPENDIX F:	42 U.S.C. § 1983	44a

APPENDIX A
IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 23-1454

JONATHAN PEOPLES,

Plaintiff-Appellant,

v.

COOK COUNTY AND THOMAS J. DART,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.
No. 1:19-cv-07712 — **Charles P. Kocoras**, *Judge*.

ARGUED MAY 14, 2024—DECIDED FEBRUARY 18, 2025

Before SYKES, *Chief Judge*, PRYOR and KOLAR,
Circuit Judges.

KOLAR, *Circuit Judge*. On the Friday before a holiday weekend, Jonathan Peoples pleaded guilty to felony possession of a controlled substance under Illinois state law. Peoples was sentenced to one year of incarceration plus one year of mandatory supervised release, and he received credit for time served that exceeded his term of incarceration. As Illinois law requires, the state court ordered the Cook County Sheriff's Office to deliver Peoples to the Illinois Department of Corrections for processing onto

supervised release. But because IDOC does not accept inmate transfers on weekends or holidays, the Sheriff's Office detained Peoples at the Cook County Jail until he could be transferred to IDOC four days later. Once Peoples arrived at IDOC, they processed and released him that same day.

Peoples brought a Section 1983 claim against Cook County and Cook County Sheriff Thomas J. Dart in his official capacity, alleging that he was detained beyond the end of his sentence in violation of his constitutional rights. He argues on appeal that the district court mistakenly concluded that the Fourth and Fourteenth Amendments did not apply to his claim, and in the alternative, that the district court erred when it determined that he had not presented a triable Eighth Amendment claim. Because the district court's analysis was correct, we affirm.

I. Background

We begin with an overview of the relevant state and county policies that governed Peoples's release before turning to the factual and procedural history.

A. Illinois Department of Corrections Policy

In Illinois, certain prisoners, like Peoples, are provided with "one day of sentence credit for each day of his or her sentence of imprisonment or recommitment ... [and] [e]ach day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment...." 730 ILCS 5/3-6-3(a)(2.1). The Illinois Department of Corrections has exclusive responsibility to calculate state prisoners' sentences, including awarding or subtracting sentence credit. 20 Ill. Adm. Code §§107.110(c), 107.150(a). The IDOC is also charged with assessing whether sentences have been appropriately served. *Id.* At the end of their custodial sentences,

convicted felons in Illinois are required to serve a term of mandatory supervised release. 730 ILCS 5/5-4.5-15(c); 730 ILCS 5/5-8-1(d). As with calculating sentences, IDOC has sole authority to process inmates onto mandatory supervised release. 730 ILCS 5/3-14-2(a). IDOC's processing procedures include verification of sentence credit, review of the offender's file, determination of a host site for supervision, a check for holds and warrants, identification measures that include a photograph and DNA and fingerprint collection, and a medical examination. At the time of the events in this case, IDOC required processing and sentence calculation for male inmates to be performed by IDOC staff only.

After a felony sentencing occurs, certain individuals are known as "turnarounds." Turnarounds are those who received a sentence of incarceration that includes credit equal to or exceeding the time to be served, so they are transferred to IDOC only for processing onto supervised release. During the relevant period, IDOC's Reception Center accepted transfers from 8:00 a.m. until 1:30 p.m. on Mondays, Tuesdays, Thursdays, and Fridays. They did not accept transfers on Wednesdays, during the weekend, or on holidays.

B. Cook County Sheriff's Office Policy

Individuals sentenced to IDOC custody, including turnarounds, were transported that same day by the Sheriff's Office from the sentencing courthouse to the Cook County Jail. At the Jail, a unit of the Cook County Department of Corrections reviewed each individual's sentencing paperwork to determine whether the individual should remain in custody or be discharged.

For individuals who needed to be transferred to state custody for processing, the Sheriff's Office would schedule transportation to the IDOC Reception Center

for the next day that IDOC accepted transfers, with a goal of arriving by 8:00 a.m. Because IDOC did not accept transfers every day, sometimes individuals remained at Cook County Jail until they could be sent to IDOC.

C. Peoples's Guilty Plea and Time in Custody

At around 1:00 p.m. on February 15, 2019—the Friday before Presidents' Day weekend—Peoples pleaded guilty to possession of a controlled substance, a felony. After accepting his plea and finding him guilty, the judge sentenced him to one year of imprisonment with IDOC and one year of mandatory supervised release.

When Peoples pleaded guilty, he had already spent 217 days in the custody of the Sheriff's Office, 45 of which were at the Cook County Jail, and the remainder of which were spent out on bond and subject to electronic monitoring. Because the judge credited Peoples with 217 days and then sentenced him to 365 days of imprisonment, he effectively sentenced Peoples to time-served plus mandatory supervised release. *See* 730 ILCS 5/3-6-3(a)(2.1) (providing that each day of sentence credit reduces the sentence by the same number of days, so Peoples's 217 days of credit reduced his sentence to 148 days). Even so, the judge did not order the Sheriff to release Peoples. After all, IDOC still needed to complete its calculations and process Peoples for supervised release. To that end, the judge ordered the Cook County Sheriff to "take" Peoples "into custody," although he already was in custody, and "deliver him to the [IDOC]," which in turn would confine Peoples "in a manner provided by law until the above sentence is fulfilled." Peoples understood when pleading guilty that he would have to be processed out by IDOC before he could return home, but he did not expect to spend several days at the Cook County Jail.

After the end of the sentencing hearing, the Sheriff's Office took Peoples from the Maywood, Illinois courthouse to the Cook County Jail. The Sheriff did not immediately send Peoples to IDOC because IDOC would not have accepted him until the following Tuesday—Monday being Presidents' Day. Peoples was held in the general population of the Jail for four nights. On the morning of Tuesday, February 19—the first available time for transfer—the Sheriff transported Peoples to the IDOC Reception Center, where he was processed and released that same day.

D. Procedural History

On behalf of himself and others similarly situated, Peoples filed a putative class action in the Circuit Court of Cook County pursuant to 42 U.S.C. §1983 for violations of the United States Constitution, the Illinois Constitution, and state law. Peoples alleged that his constitutional rights were violated by the Cook County Sheriff Office's policy or practice of "detaining and re-incarcerating people after they are sentenced to time served without any legal justification to do so." Defendants removed the suit to the U.S. District Court for the Northern District of Illinois. After the close of discovery, Defendants moved for summary judgment.

The district court granted Defendants' motion. The district court held that neither the Fourth Amendment nor Fourteenth Amendment applied to Peoples's overdetention claim, and it instead applied the Eighth Amendment. In turn, the district court concluded that Peoples failed to introduce sufficient evidence that the Sheriff violated the Eighth Amendment, and that without a constitutional violation, Peoples could not establish a Section 1983 claim. The district court granted summary judgment to Defendants on Peoples's federal claims with

prejudice and declined to exercise supplemental jurisdiction over Peoples's state law claims. This appeal followed.

II. Discussion

We review a district court's grant of summary judgment de novo and construe the facts in the light most favorable to the non-moving party—here, Peoples. *O'Brien v. Caterpillar Inc.*, 900 F.3d 923, 928 (7th Cir. 2018); *Miller v. Chicago Transit Auth.*, 20 F.4th 1148, 1155 (7th Cir. 2021).

On appeal, Peoples asserts three arguments. First, the district court erred in ruling that the Fourth Amendment is inapplicable to his overdetention claim. Second, and alternatively, the district court erred in ruling the Fourteenth Amendment is inapplicable to Peoples's overdetention claim. Third, and finally, even if the Eighth Amendment is the applicable constitutional provision, the district court erred in finding that Peoples failed to present a triable Eighth Amendment claim. We begin by determining the applicable constitutional framework, and then analyze Peoples's claim under that framework.

A. Applicability of the Fourth, Eighth, and Fourteenth Amendments

Plaintiffs can sue a municipality under 42 U.S.C. §1983 when the municipality's actions violate the United States Constitution and stem from "(1) an official policy adopted and promulgated by its officers; (2) a governmental practice or custom that, although not officially authorized, is widespread and well settled; or (3) an official with final policymaking authority." *Thomas v. Cook County Sheriff's Dep't*, 604 F.3d 293, 303 (7th Cir. 2010); see generally *Monell v. Dep't of Soc. Servs. of New*

York, 436 U.S. 658 (1978). Absent a constitutional injury, there is no municipal liability under *Monell*. *Swanigan v. City of Chicago*, 775 F.3d 953, 962 (7th Cir. 2015) (*Monell* liability impossible when there is no constitutional violation); *King ex rel. King v. E. St. Louis Sch. Dist.* 189, 496 F.3d 812, 817 (7th Cir. 2007) (“[T]here can be no municipal liability based on an official policy under *Monell* if the policy did not result in a violation of [the plaintiff’s] constitutional rights.”). So we must start by identifying the source of any constitutional injury Peoples may have suffered.

The three possible options are the Fourth, Eighth, and Fourteenth Amendments, which we tackle in that order. Peoples’s principal argument is that the Fourth Amendment applies, so we look there first. We identify no Fourth Amendment right implicated by these circumstances. Instead, the Eighth Amendment governs Peoples’s overdetection claim. We then reject Peoples’s alternative argument that the Fourteenth Amendment should apply.

1. Fourth Amendment

The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. In line with that text, “the ultimate touchstone of the Fourth Amendment is ‘reasonableness.’” *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006). A person is seized when officials “restrain[] his freedom of movement” such that he is “not free to leave.” *Brendlin v. California*, 551 U.S. 249, 254–55 (2007). There is no doubt that the Fourth Amendment applies to pretrial detention. *Lewis v. City of Chicago*, 914 F.3d 472, 474–75 (7th Cir. 2019). But Peoples challenges his detention after a guilty plea and conviction, not his pretrial detention.

In ruling that the Fourth Amendment was inapplicable in this case, the district court relied on a footnote in *Manuel v. City of Joliet*, 580 U.S. 357, 369 n.8 (2017). There, the Supreme Court explained that “once a trial has occurred, the Fourth Amendment drops out: A person challenging the sufficiency of the evidence to support both a conviction and any ensuing incarceration does so under the Due Process Clause of the Fourteenth Amendment.” *Id.* The Supreme Court elaborated that “the Framers ‘drafted the Fourth Amendment’ to address ‘the matter of *pretrial* deprivations of liberty,’ and the Amendment thus provides ‘standards and procedures’ for the ‘detention of suspects *pending* trial.’” *Id.* (citing *Albright v. Oliver*, 510 U.S. 266, 274 (1994) and *Gerstein v. Pugh*, 420 U.S. 103, 125 n.27 (1975)) (emphasis in original).

The Supreme Court’s assertion in *Manuel* that the Fourth Amendment “drops out” after conviction came in response to the dissent’s concerns about what framework the majority would apply to post-trial challenges to the basis of a conviction. *Manuel*, 580 U.S. at 369 n.8, 382 n.3. In a previous look at this language in *Manuel*, we advised that the “Supreme Court has never announced nor implied that conviction destroys the entirety of a prisoner’s Fourth Amendment rights.” *Henry v. Hulett*, 969 F.3d 769, 780 n.1 (7th Cir. 2020) (en banc). We then held that the “Fourth Amendment right to bodily privacy ... does not extinguish upon conviction” and continues “within the walls of a prison.” *Id.* at 788. Still, the fact that some Fourth Amendment rights persist after conviction, such as a right to bodily privacy against unreasonable searches, does not mean that Peoples retained a Fourth Amendment right against overdetention.

Indeed, we ultimately agree with the district court that Peoples cannot make out a Fourth Amendment

claim. Peoples knew when he pleaded guilty that he would be subject to additional procedures before he would be released. The court's commitment order did not allow him to leave the courthouse of his own accord. And Peoples was already in the custody of the Sheriff, through electronic monitoring, when he entered the courthouse. So, although his detention at the Cook County Jail was longer than he anticipated, we cannot identify a seizure implicating the Fourth Amendment.

Peoples also argues that this court's post-*Manuel* decision in *Driver v. Marion County Sheriff* demonstrates that the district court erred. 859 F.3d 489 (7th Cir. 2017). *Driver* dealt with an interlocutory appeal of the lower court's denial of class certification for two subclasses who alleged that the Marion County sheriff detained them at the county jail awaiting release for an unreasonably long period of time in violation of the Fourth Amendment. *Id.* at 490. Most relevantly, those subclasses included individuals who were convicted but who had completed the jail time portion of their sentences. *Id.* at 491. We held that the district court mistakenly believed that "it was not allowed to engage in an analysis of the merits," and we vacated and remanded with instruction to consider all issues related to the Rule 23 factors for class certification "even if they overlap with the merits." *Id.* at 495; see *Wal-Mart Stores, Inc. v. Duke*, 564 U.S. 338, 351–52 (2011) (recognizing the "necessity of touching aspects of the merits in order to resolve preliminary matters" as a "familiar feature of litigation").

While the *Driver* opinion discussed the merits in passing, our analysis was anchored to the Rule 23 factors required for class certification and not the plaintiffs' Fourth Amendment claims. 859 F.3d at 491–95. What's more, at summary judgment after remand, the district court applied the Fourteenth Amendment, not the Fourth

Amendment, to persons in the class who “had completed a sentence.” *Driver v. Marion County*, No. 1:14-cv-02076-RLY-MJD, Doc. 408 at 20, MSJ Order (S.D. Ind. June 3, 2020). In other words, *Driver* did not provide a robust analysis on the merits about how the Fourth Amendment would apply to post-conviction detentions, let alone to detention pending transfer to IDOC.

Peoples seeks further support for his view of *Driver* through reference to *Williams v. Dart*, but we see things differently. 967 F.3d 625, 635 (7th Cir. 2020). In *Williams*, we explained that *Driver* addressed a “proposed class of Fourth Amendment plaintiffs ‘composed of persons for whom legal authority for detention has ceased, whether by acquittal after trial, release on recognizance bond, completion of jail time in the sentence, or otherwise.’” *Id.* (quoting *Driver*, 859 F.3d at 491). We described *Driver* as saying that “[a]s to that class, further detention was lawful for only such time as reasonably needed to merely process the release.” *Id.* (quotation marks omitted). Setting aside whether *Driver* made such a conclusion on the merits, that proposed class is still factually distinct because it did not include persons who required transfer to IDOC custody. Unlike when a person is in custody after his jail sentence has expired, the Cook County Sheriff’s “legal authority” to detain Peoples did not cease until transfer to IDOC. *Driver*, 859 F.3d at 491. Because of IDOC’s statutory role in calculating sentence credit and preparing Peoples for supervised release—another form of custody—his situation is not analogous to persons held in jail beyond the time when they should be free to go.

In conclusion, the Fourth Amendment does not apply to Peoples’s overdetention claim. Consequently, we need not address whether his pre-transfer detention was a “reasonable” seizure. See *United States v. Montoya de Hernandez*, 473 U.S. 531, 537 (1985).

2. Eighth Amendment

While the Fourth Amendment is not applicable here, we have repeatedly recognized “incarceration beyond the date when a person is entitled to be released” as an Eighth Amendment violation. *Figgs v. Dawson*, 829 F.3d 895, 902 (7th Cir. 2016); *see also Burke v. Johnston*, 452 F.3d 665, 669 (7th Cir. 2006) (“[W]e agree that incarceration after the time specified in a sentence has expired violates the Eighth Amendment if it is the product of deliberate indifference.”). Put another way, a person may not be held “beyond the term of his incarceration without penological justification.” *Armato v. Grounds*, 766 F.3d 713, 721 (7th Cir. 2014).

To be sure, while the commitment order kept Peoples in the Sheriff’s hands until he reached IDOC, Peoples’s sentence of incarceration had in fact elapsed immediately after sentencing. IDOC released Peoples the same day they received him. IDOC’s duty to verify that Peoples’s term of incarceration was over and process him onto supervised release might have provided a good reason for the Sheriff to hold Peoples, but the time to complete those steps did not change the length of his sentence. Thus, Peoples’s detention beyond February 15 calls for an Eighth Amendment inquiry.

3. Fourteenth Amendment

Before moving on to our Eighth Amendment analysis, we must also explain why we reject Peoples’s alternative argument that if the Fourth Amendment does not apply, then we should analyze his claim under the Fourteenth Amendment. Peoples cites several other courts that have identified a protected liberty interest and substantive due process right against overdetention in the Fourteenth Amendment. *See, e.g., Hicks v. LeBlanc*, 832 Fed. App’x. 836, 840 (5th Cir. 2020); *Scott v. Baldwin*, 720

F.3d 1034, 1036 (8th Cir. 2013). But the Supreme Court has advised that “[w]here a particular amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims.” *County of Sacramento v. Lewis*, 523 U.S. 833, 842 (1998) (quoting *Albright*, 510 U.S. at 273 (plurality opinion) (incorporation “has substituted, in these areas of criminal procedure, the specific guarantees of the various provisions of the Bill of Rights ... for the more generalized language” of the Due Process Clause)); *id.* at 288 (Souter, J., concurring in the judgment) (“the Court has resisted relying on the Due Process Clause when doing so would have duplicated protection that a more specific constitutional provision already bestowed”).

Because our case law recognizes an Eighth Amendment right against overdetention, we decline in this instance to identify a duplicative right in the Fourteenth Amendment. *See Figgs*, 829 F.3d at 902 (acknowledging such an Eighth Amendment right); *Armato*, 766 F.3d at 721 (same); *Burke*, 452 F.3d at 669 (same). Doing so would be either redundant with, or worse, disruptive to our Eighth Amendment analysis. As we understand it, Peoples asks us to conclude not only that the Fourteenth Amendment applies to his claim but also that the inquiry should essentially mirror a Fourth Amendment reasonableness test. Considering that the Eighth Amendment test sets a higher bar for plaintiffs, his Eighth Amendment overdetention claim would then collapse into a Fourteenth Amendment claim. That runs counter to the Supreme Court’s guidance and the approach we have followed in similar cases.

B. Eighth Amendment Analysis

With those threshold questions resolved, we may now look at the merits of Peoples's claim. He contends that even under an Eighth Amendment inquiry, the district court was wrong to conclude that he failed to present a triable claim. We disagree.

Under the Eighth Amendment, prison officials "may not act with deliberate indifference toward a known risk that a prisoner is being held beyond his term of incarceration without penological justification." *Whitfield v. Spiller*, 76 F.4th 698, 714 (7th Cir. 2023). "Deliberate indifference requires more than negligence or even gross negligence; a plaintiff must show that the defendant was essentially criminally reckless, that is, ignored a known risk." *Figgs*, 829 F.3d at 903; *see also Armato*, 766 F.3d at 721. When there is a known risk, a state officer is deliberately indifferent "when he does nothing," *Figgs*, 829 F.3d at 903, or when he takes action that is so ineffectual under the circumstances that deliberate indifference can be inferred, *Burke*, 452 F.3d at 669.

Defendants who pleaded guilty to felonies on certain days of the week were held at the Cook County Jail for several nights before they could be transported to IDOC. A guilty plea on any Friday of the year, for instance, would lead to at least three more nights at the Jail. That was true even for turnarounds, who had received sentences that would lead to their release as soon as they completed IDOC processing. So while Peoples's claim is framed around the unfortunate timing of his plea on the day before Presidents' Day weekend, which resulted in four nights of detention, a similar issue would have occurred with regularity. It can be fairly said that there was a "known risk" that Peoples would be detained beyond the end of his sentence. *Whitfield*, 76 F.4th at 714.

The Sheriff's penological justification for these detentions after sentencing is that they were necessary to comply with IDOC's transfer policy. We have recognized in the context of other overdetention claims that "[r]easonable time must be allowed for such matters as transportation, identity verification, and processing." *Lewis v. O'Grady*, 853 F.2d 1366, 1370 (7th Cir. 1988).¹ It seems that any of these logistical issues alone would not explain the duration of the delay here. Transportation would be a matter of hours, and IDOC's processing time appears to be quick: for Peoples, it was completed the same day he arrived. The record does not contain a justification for IDOC's transfer policy, although we could imagine that IDOC chooses not to accept transfers on certain days because of limited resources or to avoid backlogs. In any event, regardless of IDOC's reasons for the transfer policy, IDOC is not a defendant in this case. Our inquiry looks only at the Sheriff's penological justification for holding Peoples. To that point, the Sheriff detained Peoples for four days because IDOC would not accept him any sooner.

In light of Illinois law, IDOC policy, and the court's orders, that justification is enough for the Sheriff to prevail. Beyond IDOC's exclusive duty to calculate sentences, IDOC's processing—which includes taking DNA and a photograph, performing a medical check, looking for warrants, and finding a host site for supervision—is important for a successful supervised release. Peoples could not go free from detention until IDOC completed its statutory obligations, which is why the commitment order commanded the Sheriff to "take [Peoples] into custody and deliver him[] to [IDOC]." The

¹ *Lewis*, 853 F.2d at 1369, applied the Fourth Amendment to a claim for delayed release by an individual who was not convicted of a crime.

Sheriff brought Peoples to IDOC on the first day that IDOC would accept him. As we have said, “there is no basis for an award of damages against executive officials whose policy is to carry out the judge’s orders.” *Hernandez v. Sheahan*, 455 F.3d 772, 778 (7th Cir. 2006).

All that being so, Peoples still says that the Sheriff did not have to detain him at the Cook County Jail to follow the commitment order. He contends that the Sheriff’s 2020 response to the COVID-19 pandemic shows that the Sheriff should have released him in 2019 while he awaited transfer to the IDOC. This argument is unpersuasive.

For a period during the COVID-19 pandemic, the Sheriff allowed some turnarounds to return home on electronic monitoring after sentencing, and then picked them up for direct transfer to IDOC for processing the next business day. There is factual uncertainty as to whether the Sheriff had discretion to take these measures without further court order. The Sheriff argues that any such release was pursuant to explicit order from a judge, but the record shows that the Cook County Circuit Court used the same sentencing form both when Peoples was sentenced and during the pandemic. Although that form ordered the Sheriff to take a sentenced person into “custody,” Peoples was in custody when he was on electronic monitoring pre-plea. Likewise, the Sheriff also says that a judge had to order electronic monitoring before individuals were sent home pending IDOC processing, but Peoples was already being monitored when he was sentenced.

We need not wade any deeper into those factual questions. To start, any temporary procedures that Peoples points to were implemented in response to a global health emergency and do not control our view of

the policies governing Peoples's release in 2019. More generally, courts should not micromanage correctional facilities: we "must accord substantial deference to the professional judgment of [correctional] administrators, who bear a significant responsibility for defining the legitimate goals of a corrections system and for determining the most appropriate means to accomplish them." *Overton v. Bazzetta*, 539 U.S. 126, 132 (2003). During the peak of the pandemic, we reiterated that "[c]orrectional administrators must have 'substantial discretion to devise reasonable solutions to the problems they face,' particularly when safety and security interests are at stake." *Mays v. Dart*, 974 F.3d 810, 820–21 (7th Cir. 2020) (quoting *Florence v. Bd. of Chosen Freeholders*, 566 U.S. 318, 326 (2012)).

So even if we were to take the disputed facts fully in Peoples's favor, policy changes adopted in response to the COVID-19 pandemic do not reach back in time to establish that the Sheriff acted with deliberate indifference in 2019. Adopting a policy of release on electronic monitoring before transfer to IDOC might have prevented Peoples and other individuals from spending additional nights at the Jail, but "[t]he existence or possibility of other better policies which might have been used does not necessarily mean that the defendant was being deliberately indifferent." *Frake v. City of Chicago*, 210 F.3d 779, 782 (7th Cir. 2000). Measures implemented during the pandemic may not have been desirable or feasible policy in 2019. *See, e.g., Mays*, 974 F.3d at 814 ("The inherent nature of the [Cook County] Jail presents unique challenges for combatting the spread of COVID-19: it is designed to accommodate large and densely-packed populations.").

At trial, Peoples would have to show that the Sheriff's decision to hold turnarounds in a central location was not

a justified penological response to IDOC's transfer hours. If he made that showing, the stringent deliberate indifference standard would still prevent recovery unless Peoples could establish that the Sheriff was essentially criminally reckless in his policy choice. Peoples has not presented a record that indicates he could meet either of these burdens. At most, Peoples puts forward possible reforms to deal with IDOC policy, such as the Sheriff asking the courts to order temporary release pending transfer or to schedule plea hearings on different days. The proactive efforts he envisions are far afield from the requirements of the Eighth Amendment.

Lastly, Peoples contends that if the Sheriff could not have released him, he should have placed him and other turnarounds in a separate portion of the Cook County Jail rather than with the general population. As described above, we hesitate to intervene in this type of administrative affair. Peoples would need to show that the Sheriff was deliberately indifferent to his substantial risk of harm. *See Farmer v. Brennan*, 511 U.S. 825, 832, 839–40 (1994). Beyond general statements that he perceived the Cook County Jail as a violent place, Peoples has not presented evidence that he was in danger there, so this aspect of his claim also fails. *See id.* at 834.

III. Conclusion

In summary, the district court was correct that the Eighth Amendment governs Peoples's overdetention claim, and that Peoples could not establish the Sheriff violated the Eighth Amendment. Without a constitutional injury, Peoples's Section 1983 claim fails. The judgment of the district court is **AFFIRMED**.

APPENDIX B

[FILED: FEBRUARY 9, 2023]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JONATHAN PEOPLES,)	
individually and on behalf)	
of all others similarly)	
situated,)	
Plaintiff,)	
v.)	19 C 7712
COOK COUNTY, and)	
THOMAS J. DART,)	
Sheriff of Cook County,)	
Defendants.)	

MEMORANDUM OPINION

CHARLES P. KOCORAS, District Judge:

In this lawsuit brought under 42 U.S.C. § 1983 and the Constitution and laws of the State of Illinois, Plaintiff Johnathan Peoples claims his constitutional rights were violated by the Cook County Sheriff's Office's ("CCSO") policy or practice of "detaining and re-incarcerating people after they are sentenced to time served without legal justification to do so." Dkt. # 1-1, ¶ 10. Before the Court is Defendants Cook County and Sheriff Thomas J.

Dart's¹ Motion for Summary Judgment under Federal Rule of Civil Procedure 56. The Motion is granted in part.

To summarize the relevant events, Plaintiff voluntarily pleaded guilty to a felony charge on February 15, 2019, the Friday afternoon before a holiday weekend. Plaintiff was sentenced to one year in the Illinois Department of Corrections ("IDOC") and one year of mandatory supervised release ("MSR") with 217 days credit towards his jail sentence. Following the imposition of his sentence, Plaintiff was ordered into the custody of the CCSO for the purpose of transporting him to the custody of the IDOC.

The hours for acceptance of new detainees at the Illinois Department of Corrections Northern Reception Classification Center ("IDOC-NRC") ended at 1:30 p.m. that Friday afternoon. As such, Plaintiff remained in the custody of the CCSO until he could be transported to the IDOC, per the court's order, when it opened after the holiday weekend. The transfer to the IDOC-NRC was made on Tuesday, February 19, 2019.

Based on the timing of legal and necessary events, and policies applicable to all persons similarly convicted in Cook County circuit courts, Plaintiff was not subjected to any circumstance that was arbitrary, unreasonable, or motivated by deliberate indifference. That the weekend included a recognized holiday was a consequence of the plea of guilty proffered on the Friday before the holiday.

¹ Dart is sued in his official capacity. Official capacity suits are simply "another way of pleading an action against an entity of which an officer is an agent." *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 n.55 (1978). In this case, that entity is the CCSO.

BACKGROUND

In resolving a motion for summary judgment, the Court views the evidence in the light most favorable to the nonmovant. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). The following facts are taken from the record and are undisputed unless otherwise noted.

The CCSO is responsible for running the Cook County Department of Corrections (“CCDOC”). Illinois law requires the CCSO to “receive and confine in such jail, until discharged by due course of law, all persons committed to such jail by any competent authority.” 730 ILCS 125/4. Illinois law also requires the CCSO to obey lawful orders of the court. 55 ILCS 5/3-6023 (“Each sheriff shall, in person or by deputy, county corrections officer, or court security officer, attend upon all courts held in his or her county when in session, and obey the lawful orders and directions of the court, and shall maintain the security of the courthouse.”). CCSO Court Services deputies are assigned to Cook County courthouse locations where they are responsible for, *inter alia*, obtaining court documents such as sentencing and commitment orders and obeying the lawful orders and directions of the court, including taking individuals into custody following their guilty verdict or plea.

CCSO 2019 Policies

In 2019, individuals sentenced to the IDOC were transported from the sentencing courthouse to the Cook County Jail (“Jail”) on the same day as their guilty plea or verdict. If the individual was sentenced in one of the remote courthouses, they were transported to the Jail by the CCSO on buses that ran between the remote courts and the Jail. Once at the Jail, all individuals with

commitment orders were processed through the Receiving Unit at the Jail.

Courtroom deputies from Court Services were responsible for gathering the paperwork from the clerk of the court and bringing it the Receiving Unit. If detainees were coming from one of the outlying courthouses, the court paperwork was brought to the Receiving Unit at the time of their transport. The Receiving Unit then brought the paperwork to the CCDOC Record Office. A lot of times, it took the clerk of the court “a while” after the end of the court call to put the paperwork together and give it to a Sheriff’s deputy to bring back to the Jail. Dkt. # 82, ¶ 19.

Supervisory staff in the Record Office reviewed the paperwork from the court and determined who would remain in CCDOC custody and who would be discharged. They also input information into the jail management system, Cook County Offender Management System. All paperwork related to individuals sentenced to IDOC (regardless of any credit they may have toward their IDOC sentence) was segregated and reviewed by administrative assistants within the Record Office who were assigned to the “IDOC Desk.” The release review conducted by the IDOC Desk included setting up transport for the individuals sentenced to IDOC from CCDOC to IDOC.

After receiving an order of commitment to IDOC, the Record Office scheduled transport of detainees to the IDOC-NRC to occur the next business day, unless the judge indicated there was a stay. In advance of the transport of individuals from CCDOC to IDOC-NRC, the CCDOC Record Office emailed commitment orders to IDOC.

CCDOC Policy 717 sets forth the CCDOC's policy related to inmate release. It states that, "it is the policy of the [CCDOC] to provide for the timely, efficient and legal release of inmates." Dkt. # 82, ¶ 29. It was the CCDOC's practice to transport individuals, along with their commitment orders, to IDOC by a Cook County bus or other mode of transportation. The CCDOC's practice was to try to arrive at IDOC with individuals sentenced to IDOC by 8:00 a.m.

CCDOC Policy 702 sets forth the process for intake of anyone that comes into the custody of the CCDOC. Section 706.6.2 (Inmate Separation) states that "[i]nmates should be kept separate from the general population during the admission process. Newly admitted inmates should be separated according to the facility's classification plan." Dkt. # 82, ¶ 16. Individuals already in the Sheriff's custody and housed within the Cook County Jail at the time of their court appearance were sent back to their housing unit by the Receiving Unit. If an individual was not previously in a housing unit (i.e., they were out on bond or on electronic monitoring), the individuals were classified and given a jumpsuit before they were put into a living unit in the divisions. The Classification Unit is not provided with information related to whether someone is expected to be a turnaround at IDOC and therefore does not take that information into consideration when determining placement.

IDOC-NRC Hours of Operation

In 2019, IDOC-NRC accepted transfers of male individuals from CCDOC on Mondays, Tuesdays, Thursdays, and Fridays from 8:00 a.m. until 1:30 p.m. They did not accept transfers on weekends or holidays. Thus, if an individual was sentenced on a Friday, and

Monday was a holiday, the individual would not be transported to IDOC until the following Tuesday.

IDOC Policies and Procedures

Pursuant to Illinois law, in 2019, every IDOC sentence included a term of mandatory supervised release (“MSR”) in addition to the term of imprisonment, except when a term of natural life was imposed. IDOC has sole legislative authority for managing and processing the release of IDOC inmates onto MSR. 730 ILCS 5/3-3-7(a) (“The conditions of every parole and mandatory supervised release are that the subject: . . . [] be evaluated by the Department of Corrections prior to release using a validated risk assessment and be subject to a corresponding level of supervision.”); 5/3-3-7(c) (“The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his or her release, and he or she shall sign the same before release.”).

IDOC considers a person to be a “turnaround” if they have “been found guilty by plea or trial of a felony in Cook County and sentenced to a term in IDOC that included credit equal or exceeding the amount of time required to be served by them under their sentence and who the CCSO is to deliver to the IDOC for the purposes of processing them out of custody.” Dkt. # 82, ¶ 39. If a person has a one-year sentence, is required to serve 50% of the sentence, and is credited with at least 180 days of jail credit, the person has fulfilled their jail sentence. Their jail sentence is considered fulfilled at the time of their release, but their parole/MSR is not.

During February of 2019, when IDOC-NRC clerical staff received copies of sentencing and commitment orders via email from CCDOC, they were able to review the Orders and identify likely turnarounds in advance of

their arrival at IDOC. Based on the information provided by the CCSO in advance of the likely turnarounds' arrival at IDOC-NRC, those individuals were separated from the other detainees so they could be processed and released from IDOC-NRC on the same day they arrived.

IDOC processing of turnarounds includes a check of the sentencing order by clerical staff to ensure it contains the necessary components. IDOC policy requires IDOC to ensure accurate calculation of all sentences and ensure timely release of offenders. This task is performed by the Record Office supervisor. Turnarounds also must fill out parole paperwork.

Individuals identified as turnarounds must be fingerprinted and photographed and undergo DNA swabs when required. The Bureau of Identification takes fingerprints from the individual which are then compared to the fingerprint codes on LEADS. The Bureau of Identification then fills out a form verifying that the person being released is the person who was fingerprinted. The Bureau of Identification also takes photographs and DNA samples from each offender, including turnarounds. All individuals, including turnarounds, are required by IDOC to go through medical at IDOC and see a counselor before they are released.

CCSO & IDOC Policies Post-March 2020

During the COVID-19 pandemic, from May 2020 to approximately August of 2020, the Governor of Illinois ordered that no individuals be transferred to IDOC, including Stateville. During that time, turnarounds were processed by IDOC from the Cook County Jail. All IDOC processes were handled by IDOC remotely, except for fingerprinting, photographing, DNA-swabbing, and parole paperwork signing, which occurred at the Cook County Jail where IDOC's Bureau of Identification

personnel and a parole agent traveled to perform such tasks.

At some point during the COVID-19 pandemic, the court allowed individuals on electronic monitoring who were sentenced to IDOC to return home after sentencing. The Sheriff was then required to pick them up and transport them to IDOC the following business day. There is no evidence that the CCSO has ever had the discretion to permit a person convicted and sentenced to IDOC to return home before transport to IDOC, for a judge must order that an individual be placed on electronic monitoring. The language on the form commitment and sentencing order that orders the CCSO to take the defendant into custody and transport him to the custody of IDOC has not changed since the onset of the COVID-19 pandemic.

When IDOC processed persons on-site at the Cook County Jail during the COVID-19 pandemic, it used IDOC's digital LiveScan machine to take fingerprints and photographs of the persons being released onto MSR. A computer was attached to the LiveScan machine that digitally captured the photograph and fingerprint for identification purposes. Defendants admit the CCSO has its own LiveScan machine to take photographs and fingerprints which it uses to transmit information to the Illinois State Police, but deny that the CCSO LiveScan machine enables the CCSO to transmit information to IDOC for upload into their tracking system.

As of at least November 2021, the CCSO performs its own calculation to identify turnarounds to be brought to IDOC, although the post-pandemic procedures have not altered IDOC's policy of conducting its own calculation.

Facts Specific to Plaintiff Peoples

On December 11, 2018, while on felony probation, Plaintiff was arrested and charged with felony offenses, including unlawful possession of a controlled substance. After approximately 45 days in the Cook County Jail, Plaintiff was released on bond. On January 10, 2019, Plaintiff was placed in the CCSO's electronic monitoring program. Plaintiff was in the custody of the CCSO while he was on electronic monitoring in January and February, including on February 15, 2019.

On Friday, February 15, 2019, Plaintiff appeared in court at the Circuit Court of Cook County's Maywood, Illinois courthouse. His case was called around 1:00 p.m., and he pleaded guilty to possession of a controlled substance. The judge found Plaintiff guilty, sentenced him to one year in the custody of IDOC, and ordered him to serve one year of MSR. The judge also found Plaintiff was entitled to receive credit for time actually served in custody for a total of 217 days. Plaintiff knew when he pleaded guilty that he would not be going home directly and understood he would have to go to the Cook County Jail to be processed. At no time during the plea hearing did the judge tell Plaintiff that he could leave the courthouse and go home after the hearing.

The judge ordered the clerk of the court to "provide the Sheriff of Cook County with a copy of [the commitment and sentence] order." Dkt. # 82, ¶ 66. It was further ordered that the Sheriff "take the [Plaintiff] into custody and deliver him[] to the Illinois Department of Corrections and that the Department take him[] into custody and confine him[] in a manner provided by law until the above sentence is filled." *Id.* at ¶ 67.

After the sentencing, CCSO courtroom deputies escorted Plaintiff to a temporary holding cell behind the

courtroom where he sat by himself for one to two hours. Plaintiff was then transferred downstairs to a larger holding cell where he remained with other detainees for two to three hours.

As noted above, IDOC-NRC's hours of operation did not allow for Plaintiff to be transported to their facility that Friday evening, or at any time on the following Saturday or Sunday. IDOC-NRC's hours of operation also did not allow for Plaintiff to be transported to their facility on Monday, February 18, 2019, because it was a state and federal holiday.

Sometime after 4:45 p.m. on Friday, Plaintiff was taken by bus to the Cook County Jail where he was placed into another large holding cell for several hours until he was processed into the CCDOC. The intake process included a mental health exam, fingerprinting, and photographing. Plaintiff was not grouped by any security or offense classification during this time. After processing, Plaintiff was put into a holding cell for about another two hours before being taken to his housing unit in Division XI, a unit for medium/maximum security inmates.

Plaintiff was transported by the CCSO to the IDOC-NRC facility on Tuesday, February 19, 2019, where his processing included IDOC staff taking fingerprints, collecting a DNA sample, and providing him with paperwork related to his term of MSR. He was released that same day after processing was complete.

On behalf of himself and others similarly situated, Plaintiff brought claims under 42 U.S.C. § 1983 for violations of the Fourth and Fourteenth Amendments, the Illinois Constitution, and state law. Defendants move for summary judgment in their favor on all claims as they pertain to Plaintiff Peoples only.

LEGAL STANDARD

Summary judgment is proper “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (citation omitted). “A genuine dispute as to any material fact exists if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Kvapil v. Chippewa Cnty.*, 752 F.3d 708, 712 (7th Cir. 2014) (cleaned up).

In deciding whether a dispute exists, the Court must “construe all facts and reasonable inferences in the light most favorable to the non-moving party.” *Citizens for Appropriate Rural Roads v. Foxx*, 815 F.3d 1068, 1074 (7th Cir. 2016). The nonmovant “must go beyond the pleadings” to demonstrate that there is evidence “upon which a jury could properly proceed to find a verdict in [their] favor.” *Modrowski v. Pigatto*, 712 F.3d 1166, 1168–69 (7th Cir. 2013). And “[c]onclusory statements, not grounded in specific facts” cannot defeat a motion for summary judgment. *Bordelon v. Bd. of Educ. of the City of Chi.*, 811 F.3d 984, 989 (7th Cir. 2016) (cleaned up).

Not all factual disputes will preclude the entry of summary judgment, only those that “could affect the outcome of the suit under governing law.” *Outlaw v. Newkirk*, 259 F.3d 833, 837 (7th Cir. 2001) (citation omitted). In deciding a motion for summary judgment, the Court’s sole function is “to determine whether there is a genuine issue for trial.” *Tolan v. Cotton*, 572 U.S. 650, 657 (2014). The Court cannot weigh conflicting evidence, assess the credibility of witnesses, or determine the ultimate truth of the matter, as these are functions of the jury. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255

(1986); *Omnicare, Inc. v. UnitedHealth Grp., Inc.*, 629 F.3d 697, 704–05 (7th Cir. 2011).

DISCUSSION

Plaintiff brings claims against the CCSO under 42 U.S.C. § 1983, the Illinois Constitution, and Illinois state law. The Court addresses each claim in turn.

I. Plaintiff's Federal Claims

Plaintiffs like Peoples may sue municipalities under 42 U.S.C. § 1983 when their actions violate the Constitution. *See generally Monell*, 436 U.S. 658. To prevail on a *Monell* claim, plaintiffs must identify an action taken by the municipality, the requisite degree of culpability, and a causal link between the municipality's action and the deprivation of federal rights. *Bd. of the Cnty. Comm'rs v. Brown*, 520 U.S. 397, 403–04 (1997).

A. Violation of a Constitutional Right

Plaintiff must first establish a violation of a constitutional right. Plaintiff asserts the CCSO's policies violated his rights under the Fourth, Eighth, and Fourteenth Amendments.

1. Fourth Amendment

The Court first examines Defendants' argument that the Fourteenth Amendment applies under the circumstances and not the Fourth Amendment's protections against unreasonable search and seizure. The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. The Supreme Court, however, has explained that "[o]nce a trial has occurred, the Fourth Amendment drops out: [a] person challenging the sufficiency of the evidence to support both a conviction and any ensuing

incarceration does so under the Due Process Clause of the Fourteenth Amendment.” *Manuel v. City of Joliet* (“*Manuel I*”), 137 S. Ct. 911, 920 n.8 (2017). Per *Manuel I*, Plaintiff’s guilty plea forecloses any Fourth Amendment challenge to his overdetention. *See Jones v. D.C.*, 2019 WL 5690341, at *4 (D.D.C. 2019).

It is true that other courts have allowed Fourth Amendment claims to proceed in similar circumstances where the plaintiffs sufficiently alleged a “fresh seizure” or “re-incarceration.” For example, in *Shultz v. Dart*, 2013 WL 5873325, at *2 (N.D. Ill. 2013), the plaintiff appeared in court, pleaded guilty to a misdemeanor offense, was sentenced to time served, and was told by the judge that he was free to leave. Despite being told he was free to leave, the plaintiff remained in the custody of the sheriff’s department, was detained in a holding cell at the courthouse, and then transported back to Cook County Jail. *Id.* The defendants moved to dismiss, arguing the plaintiff fell outside of the Fourth Amendment’s protections. *Id.* at *4. The court disagreed, stating that “after [the plaintiff] was sentenced to time served and told by the judge that he was free to leave, he once again became a free person and thus protected by the Fourth Amendment.” *Id.*

In *Jones*, the plaintiff pleaded guilty and was sentenced to time served and ordered to be released from the department of corrections. 2019 WL 5690341, at *2. He was subsequently transferred to the D.C. Jail where he was held for several hours before being released. *Id.* While the district court found that the plaintiff’s guilty plea foreclosed any Fourth Amendment challenge to his continued confinement, it nevertheless declined to dismiss the plaintiff’s Fourth Amendment claim because “[a]ny confinement that [the plaintiff] experienced as punishment for his underlying conviction ended the

moment he was sentenced to time served and ordered released. *Id.* “And DOC’s subsequent decision to take him *back* into custody (either in the courtroom or upon his return to D.C. Jail) constituted an actual or constructive re-seizure of his person that required an independent justification.” *Id.* (citing *Shultz*, 2013 WL 5873325, at *5) (emphasis in original).

Importantly, these cases were decided at the motion to dismiss stage, not summary judgment. And, as Defendants point out, a key distinction between Plaintiff’s case and those discussed above is that, in *Schultz* and *Jones*, the plaintiffs were sentenced to time served and were either told by the judge they were free to leave or specifically ordered released. Here, Plaintiff argues that the court’s sentencing order, which credited Plaintiff with 217 days of time actually served on his one-year prison sentence, “indisputably ended any prison term of Plaintiff’s sentence, leaving only one year of MSR.” Dkt. # 83, at 5. The absence of an express direction from the judge—on a pre-typed form order—for Plaintiff’s immediate release, Plaintiff says, is merely a matter of semantics. The Court disagrees.

In *Barnes v. District of Columbia* (“*Barnes I*”), the district court found that the group of plaintiffs stated a valid Fourth Amendment claim where they alleged that “despite being entitled to release, they were taken back into custody and transported to D.C. Jail . . . they allege[d] that they essentially were re-arrested or re-seized.” 242 F.R.D. 113, 118 (D.D.C. 2007). At summary judgment, however, the court held that there was no “seizure” triggering the Fourth Amendment protections because the plaintiffs “were already in custody at the time they were ordered released or their sentences expired” and therefore their “freedom of movement had already been terminated.” *Barnes v. District of Columbia* (“*Barnes*

II”), 793 F. Supp. 2d 260, 274 (D.D.C. 2011). Additionally, the plaintiffs presented no facts suggesting that their overdetections involved “fresh seizures” warranting a Fourth Amendment analysis. *Id.*

The Court similarly finds no “fresh seizure” in this case. Plaintiff was in the custody of the CCSO by virtue of his guilty plea. Per the sentencing order, Plaintiff was to remain in the custody of the CCSO until he was transported to IDOC and processed. Incident to his guilty plea, Plaintiff was necessarily subject to certain administrative tasks before he could be released by IDOC. Plaintiff cannot show a violation of his Fourth Amendment rights.

2. Eighth and Fourteenth Amendments

Moving on, Plaintiff argues that even if the Court finds, as it has, that the Fourth Amendment is inapplicable, summary judgment should still be denied because Defendants violated Plaintiff’s substantive due process rights under the Fourteenth Amendment. Alternatively, Plaintiff contends he has presented a triable Eighth Amendment claim. In their reply brief, Defendants argue Plaintiff’s claims are more appropriately considered under Eighth Amendment, rather than the Fourteenth.

To be sure, authorities differ as to the source of the constitutional right at issue in “overdetention” cases such as this: some find it in the Due Process Clause of the Fourteenth Amendment, while others locate it in the cruel and unusual punishments clause of the Eighth Amendment. *See Shorts v. Bartholomew*, 255 F. App’x 46, 51–52 (6th Cir. 2007) (discussing divergent authority). In this case, Plaintiff’s claims should proceed under the Eighth Amendment. *See, e.g., Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989) (“After conviction, the Eighth

Amendment ‘serves as the primary source of substantive protection . . .’ Any protection that ‘substantive due process’ affords convicted prisoners against excessive force is, we have held, at best redundant of that provided by the Eighth Amendment.”); *Armstrong v. Squadrito*, 152 F.3d 564, 570 (7th Cir. 1998) (“Armstrong’s Eighth Amendment claim [for overdetention] falls away because that amendment applies only to a convicted prisoner rather than a pretrial detainee whose rights receive the protection of due process.”); *Wharton v. Danberg*, 854 F.3d 234, 246–47 (3d Cir. 2017) (recognizing that while some other courts analyze over-detention claims under the Fourteenth Amendment, it has always applied the Eighth Amendment to such claims “because each of our over-detention cases involved convicted and sentenced inmates.”).²

“Incarceration beyond the date when a person is entitled to be released violates the Eighth Amendment if it is the product of deliberate indifference.” *Figgs v. Dawson*, 829 F.3d 895, 902 (7th Cir. 2016); *see also Burke v. Johnston*, 452 F.3d 665, 669 (7th Cir. 2006) (“[W]e agree that incarceration after the time specified in a sentence has expired violates the Eighth Amendment if it is the product of deliberate indifference.”). “To defeat summary judgment on his Eighth Amendment claim, [Plaintiff]

² In any event, regardless of whether Plaintiff proceeds under the Eighth or Fourteenth Amendment, the analysis requires a showing of deliberate indifference. *Compare Alcocer v. Mills*, 906 F.3d 944, 953 (11th Cir. 2018) (“When an over-detention occurs and the Fourteenth Amendment governs the analysis, a plaintiff must demonstrate that the defendant acted with deliberate indifference to her due-process rights.”), *with Courtney v. Butler*, 756 F. App’x 626, 627 (7th Cir. 2019) (“A plaintiff states an Eighth Amendment claim if he is detained in jail for longer than he should have been due to the deliberate indifference of corrections officials.”) (internal quotation marks omitted).

needs to prove that the defendants held him beyond the term of his incarceration without penological justification, and that the prolonged detention was the result of the defendants' deliberate indifference." *Armato v. Grounds*, 766 F.3d 713, 721 (7th Cir. 2014); *see also Aguilar v. Gaston-Camara*, 861 F.3d 626, 631 (7th Cir. 2017) (same). "Deliberate indifference requires more than negligence or even gross negligence; a plaintiff must show that the defendant was essentially criminally reckless, that is, ignored a known risk." *Figgs*, 829 F.3d at 903.

It is well-recognized that although an inmate is entitled to timely release from prison, "'timely release' is not the same thing as instantaneous release: it is reasonable for jailers to have some administrative delay in processing an inmate's discharge." *Crittindon v. LeBlanc*, 37 F.4th 177, 188 (5th Cir. 2022); *see also Lewis v. O'Grady*, 853 F.2d 1366, 1370 (7th Cir. 1988) ("Reasonable time must be allowed for such matters as transportation, identity verification, and processing.").

In the Court's view, that Plaintiff's plea hearing took place on a Friday afternoon before a holiday weekend was unlucky, but it cannot be said that Plaintiff was incarcerated beyond his release date without penological justification. At all times, Plaintiff was in the lawful custody of the CCSO. Pursuant to the circuit court's sentencing order, Plaintiff had not yet completed his sentence. Plaintiff was not entitled to be released until he was transported to IDOC custody, had his sentence calculated, and was processed out on MSR. In other words, Plaintiff has not put forth sufficient evidence that would permit the conclusion that his Eighth Amendment rights were violated by the delay in transfer to IDOC custody or that the violation was due to deliberate indifference.

B. Remaining Elements of Plaintiff's *Monell* Claim

Even assuming that Plaintiff's so-called overdetention violated his constitutional rights, Plaintiff's claim still fails. Once a Section 1983 plaintiff shows that he was deprived of a federal right, he must then trace the deprivation to some municipal action (i.e., a "policy or custom"), such that the challenged conduct is "properly attributable to the municipality itself." *First Midwest Bank ex rel. LaPorta v. City of Chi.*, 988 F.3d 978, 986 (7th Cir. 2021). There are at least three types of municipal action that may give rise to municipal liability under Section 1983: "(1) an express policy that causes a constitutional deprivation when enforced; (2) a widespread practice that is so permanent and well-settled that it constitutes a custom or practice; or (3) an allegation that the constitutional injury was caused by a person with final policymaking authority." *Id.* (quoting *Spiegel v. McClintic*, 916 F.3d 611, 617 (7th Cir. 2019)).

Next, the plaintiff must show that "the policy or custom demonstrates municipal fault," i.e., deliberate indifference. *LaPorta*, 988 F.3d at 986. "This is a high bar." *Id.* at 987. If a municipality's action is not facially unconstitutional, the plaintiff "must prove that it was obvious that the municipality's action would lead to constitutional violations and that the municipality consciously disregarded those consequences." *Id.* Finally, the plaintiff must show that the municipal action was "the 'moving force' behind the federal-rights violation." *Id.* (quoting *Brown*, 520 U.S. at 404). This "rigorous causation standard" requires "a 'direct causal link' between the challenged municipal action and the violation of [the plaintiff's] constitutional rights." *Id.* (quoting *Brown*, 520 U.S. at 404). "In short, a *Monell* plaintiff must show that some municipal action directly caused him to suffer a

deprivation of a federal right, and that the municipality took the action with conscious disregard for the known or obvious risk of the deprivation.” *Dean v. Wexford Health Sources, Inc.*, 18 F.4th 214, 236 (7th Cir. 2021).

Here, Plaintiff does not challenge an express CCSO policy. Rather, Plaintiff argues for *Monell* liability based on the CCSO’s “admitted policy or practice” of “jailing persons while awaiting transfer to IDOC.” Dkt. # 83, at 16. In order to succeed on his claim, then, Plaintiff must show that such a practice demonstrates deliberate indifference to his Eighth Amendment rights. This is where Plaintiff fails to meet his burden. Plaintiff has not raised a genuine issue of material fact which might lead to a conclusion that the CCSO maintained a policy or practice which was deliberately indifferent to his constitutional rights.

In arguing that the CCSO practice of detaining convicted felons—specifically, those who qualify as turnarounds—while awaiting transfer to IDOC amounts to deliberate indifference, Plaintiff primarily relies on changes in CCSO and IDOC practices that were implemented in response to the onset of the COVID-19 pandemic. Plaintiff faults the CCSO for not implementing certain technological fixes that would facilitate quicker processing of potential turnarounds. For example, Plaintiff points out that the CCSO has its own LiveScan machine that it uses to transmit certain information to the Illinois State Police. Plaintiff has not shown, however, that it would have been possible for the CCSO to transmit the necessary information to IDOC, or that IDOC’s own policies would permit such a practice.

Plaintiff also criticizes the CCSO because it has never utilized an “electronic or digital process which would permit IDOC to process persons remotely while such

persons remain at the Cook County Jail.” Dkt. # 88, ¶ 14. While this may be true, Plaintiff offers no evidence that such a process exists or is feasible, or that IDOC would be amenable to that process.

Moreover, and perhaps more importantly, the mere existence or possibility of other, better policies which may have been used is insufficient to prove deliberate indifference. *Frake v. City of Chi.*, 210 F.3d 779, 782 (7th Cir. 2000); *accord Ayoubi v. Dart*, 724 F. App’x 470, 474–75 (7th Cir. 2018). And, in any event, Plaintiff has not put forth evidence tending to show that his alleged overdetention would have been prevented by the various practices implemented in response to the pandemic. On the record before the Court, Plaintiff cannot show that the CCSO’s challenged practice was the “moving force” behind the alleged constitutional violation.

Defendants, on the other hand, introduced evidence showing that the CCSO had no discretion in determining whether a convicted felon could be released on electronic monitoring or kept in custody pending transfer to IDOC. Release on electronic monitoring must be ordered by a judge. The CCSO also has no control over when court hearings and sentencings take place. Furthermore, the CCSO’s practice was to transport convicted felons to IDOC custody the next business day after their guilty plea. It was IDOC-NRC’s operating hours which caused the delay in transporting Plaintiff to IDOC. It was the practice of the CCSO Records Office to send completed paperwork to IDOC in advance or a transport, allowing IDOC to identify turnarounds prior to their arrival at IDOC-NRC and facilitating a timelier release. Plaintiff was promptly transported to IDOC-NRC as soon as IDOC-NRC’s hours allowed.

Ultimately, it is up to IDOC to perform the final calculation of a convicted felon's prison sentence, process them, and release them onto MSR. While there may be flaws in the transfer process, these flaws simply do not rise to the level of deliberate indifference on the part of the CCSO. Again, "timely release" is not the same as instantaneous release. *Crittindon*, 37 F.4th at 188. The Court therefore grants Defendants' motion for summary judgment on Plaintiff's Section 1983 claims.

II. Plaintiff's State Law Claims

Because the Court grants summary judgment on Plaintiff's federal claims, the Court does not have subject matter jurisdiction, and thus declines to exercise its supplemental jurisdiction over Plaintiff's state law claims. 28 U.S.C. § 1367(c)(3). ("The district courts may decline to exercise supplemental jurisdiction [if] the district court has dismissed all claims over which it has original jurisdiction."); *Groce v. Eli Lilly & Co.*, 193 F.3d 496, 501 (7th Cir. 1999) ("[I]t is the well-established law of this circuit that the usual practice is to dismiss without prejudice state supplemental claims whenever all federal claims have been dismissed prior to trial.").

CONCLUSION

For the foregoing reasons, the Court grants Defendants' Motion for Summary Judgment [70] in part as to Plaintiff's Section 1983 claims and declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims. Judgment is entered in favor of Defendants on Counts I and II of Plaintiff's Complaint. Civil case terminated.

39a

It is so ordered.

Dated: February 9, 2023 By: /s/
Charles P. Kocoras
United States District Judge

APPENDIX C

Amend. IV. Searches and Seizures; Warrants

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

APPENDIX D

Amend. VIII. Excessive Bail, Fines, Punishments

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

APPENDIX E

Amend. XIV. Citizenship; Privileges and Immunities; Due Process; Equal Protection; Appointment of Representation; Disqualification of Officers; Public Debt; Enforcement

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken

an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

APPENDIX F

Section 1983 of Title 42, United States Code, provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.