

No. 24-1107

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IN THE  
**Supreme Court of the United States**

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JONATHAN PEOPLES,  
*Petitioner,*

v.

COOK COUNTY, ILLINOIS, ET AL.,  
*Respondents.*

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals  
for the Seventh Circuit**

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**BRIEF IN OPPOSITION**

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EILEEN O'NEILL BURKE  
COOK COUNTY STATE'S  
ATTORNEY  
CATHY MCNEIL STEIN  
LYLE HENRETTY  
JONATHON D. BYRER\*  
JOHN POWER  
500 Richard J. Daley Center  
Chicago, IL 60602  
(312) 603-4366  
jonathon.byrer@cookcountysao.org  
*Counsel for Respondents*

*\*Counsel of Record*

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## **QUESTION PRESENTED**

Before the district court and the Seventh Circuit, petitioner Jonathan Peoples repeatedly admitted that his claim, that he was illegally detained past the expiration of his sentence of incarceration, required proof of deliberate indifference, regardless of whether the Eighth Amendment or the Fourteenth Amendment governed. Taking Peoples at his word, the Seventh Circuit held that his overdetention claim failed for lack of deliberate indifference. Peoples does not challenge that factual determination.

The question presented is: Whether this Court should grant certiorari to resolve a supposed conflict regarding the source of constitutional authority for overdetention claims, when resolution of that conflict in People's favor would still require judgment against him.

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## STATEMENT

### I. Factual Background.

At approximately 1 p.m. on Friday, February 15, 2019, Petitioner Jonathan Peoples appeared before the Circuit Court of Cook County, Illinois, and pleaded guilty to possession of a controlled substance, a class IV felony. R.71 ¶¶60-61.<sup>1</sup> The circuit court sentenced Peoples to one year incarceration in the Illinois Department of Corrections, and one year of mandatory supervised release. *Id.* ¶64. In imposing sentence, the circuit court also found Peoples was entitled to 217 days of credit for time served in custody. *Ibid.* Under Illinois law, this effectively resulted in a sentence of incarceration of time served. See 730 ILCS 5/3-6-3(2.1).

Despite that fact, the court did not order Peoples released from custody. R. 71 ¶65. Instead, the court ordered – without objection from Peoples – that the Sheriff “take [Peoples] 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 sentenced is filled.” *Id.* ¶67. This order reflects that, under Illinois law, Corrections has the sole legal authority to process a convicted individual onto mandatory supervised release. See 730 ILCS 5/3-14-2(a). Processing includes fingerprinting, collecting a DNA sample, and paperwork regarding the terms of

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<sup>1</sup> We cite the district court docket as “R. \_\_,” the Seventh Circuit docket as “7R. \_\_,” and the audio recording of argument before the Seventh Circuit as “CA7 Arg. \_\_.”

the mandatory supervised release. R. 71 ¶78.

As ordered, the Sheriff took Peoples into custody for transfer to Corrections, R. 71 ¶¶70-76. But the Sheriff was unable to transfer Peoples to Corrections that day because Corrections stopped accepting transfers at 1:30 p.m. *Id.* ¶32. Because Corrections also did not accept transfers on weekends or holidays, *id.*, and the following Monday, February 18, 2019, was Presidents' Day, *id.* ¶70, Peoples was not transported to Corrections until Tuesday, February 19, 2019, *id.* ¶77. Corrections processed and released Peoples that day. *Id.* ¶79.

## **II. District Court Proceedings.**

Peoples then filed a putative class action under 42 U.S.C. § 1983, claiming that he was injured as the result of the Sheriff's supposed policy of detaining individuals past the expiration of their sentences, in violation of his Fourteenth Amendment due process rights. R. 1-1.<sup>2</sup>

Following discovery, the Sheriff moved for summary judgment, explaining that Peoples' due process claim requires proof of deliberate indifference.

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<sup>2</sup> Peoples also sued Cook County, solely as an indemnitor, but did not name Corrections. While Peoples also sought relief under the Fourth Amendment and Illinois law, his petition abandons those theories, so we address them no further in this response.

R. 75 at 10. But given that the Sheriff had in place policies and procedures to expeditiously process and discharge all individuals sentenced to terms with Corrections, no reasonable jury could find that the Sheriff was deliberately indifferent, requiring summary judgment. *Id.* at 14-15.

In response, Peoples agreed that the Fourteenth Amendment required a showing of deliberate indifference, R. 83 at 12-13, but argued that he believed the evidence showed such indifference, *id.* at 13-15.<sup>3</sup> Peoples also argued, for the first time, that his claim could proceed under the Eighth Amendment, but admitted that Amendment also required deliberate indifference. *Id.* at 15.

In reply, the Sheriff noted that Peoples' new Eighth Amendment theory also failed because it also required a showing of deliberate indifference, which Peoples had failed to make. R. 87 at 8-11. Moreover, the Sheriff went on, it would not matter if Peoples' claim were analyzed under the Fourteenth

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<sup>3</sup> In arguing deliberate indifference, Peoples placed great weight on evidence that others in the Sheriff's custody were allowed to return home during the Covid-19 pandemic. R. 83 at 9. But this overlooks that Illinois law grants county sheriffs special discretionary authority to relocate individuals committed to their custody when their "lives or health . . . are endangered," and even deems the place of relocation "a prison of the county in which they were originally confined." 730 ILCS 125/14. The events here took place before the pandemic and its attendant health dangers, so this grant of authority is inapplicable here.

Amendment, because that Amendment also requires a showing of deliberate indifference, and Peoples “cannot show deliberate indifference” for the reasons the Sheriff had already set forth. *Id.* at 12-13. Indeed, the Sheriff explained, this “analytical redundancy” and “total conceptual overlap” between the Amendments weighed in favor of evaluating Peoples’ claim under the Eighth Amendment, which not only provides explicit textual protections regarding incarceration, but “is at least as difficult for a plaintiff to satisfy as the Fourteenth Amendment standard.” *Id.* at 12 (quoting *Estate of Clark v. Walker*, 865 F.3d 544, 546 n.1 (7th Cir. 2017)).

The district court granted the Sheriff’s motion for summary judgment. Pet. App. 18a-39a. In so doing, the district court acknowledged that, “regardless of whether Plaintiff proceeds under the Eighth or Fourteenth Amendment, the analysis requires a showing of deliberate indifference.” Pet. App. 33a n.2. But because the Eighth Amendment is the “primary source of substantive protection” after a conviction, the court concluded that Peoples’ claim arose under that Amendment. Pet App. 32a-33a (quoting *Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989)). Peoples failed to show deliberate indifference, the court concluded, because the Sheriff held him pursuant to the terms of the circuit court’s sentencing order, under which Peoples “was not entitled to be released until he was transported to [Corrections] custody, had his sentence calculated, and was processed out” for

mandatory supervised release. Pet. App. 34a.

### **III. Appellate Proceedings.**

Peoples appealed to the Seventh Circuit, but did not dispute that deliberate indifference was required regardless of which Amendment governed his claim. Instead, he again admitted that he must show deliberate indifference to prevail, under both the Fourteenth Amendment, 7R. 12 at 22-23, and the Eighth, *id.* at 25.

In response, the Sheriff reiterated that Peoples had failed to show deliberate indifference. 7R. 21 at 14. And because the parties were in agreement that both Amendments require a showing of such indifference, *id.* at 28-29 (Eighth Amendment); *id.* at 34 (Fourteenth Amendment), the failure to show deliberate indifference “defeat[ed] his claims under the Eighth *and* Fourteenth Amendments,” *id.* at 14 (emphasis added). At oral argument, the Sheriff again reiterated – without dispute from Peoples – that Peoples’ claims failed under either Amendment if he failed to show deliberate indifference. CA7 Arg. 15:33-15:41.

The Seventh Circuit affirmed. Pet. App. 1a-17a. As the court of appeals observed, it was already settled circuit precedent that claims regarding detention past the term of incarceration are governed by the Eighth Amendment. Pet. App. 11a. And while

Peoples argued that his claim was governed by the Fourteenth Amendment, the court rejected that argument for two reasons. First, this Court's precedent establishes that explicit textual sources of rights should prevail over more generalized notions of due process. Pet. App. 12a (quoting *County of Sacramento v. Lewis*, 523 U.S. 833, 842 (1998)). Second, any Fourteenth Amendment right would be "duplicative" of the acknowledged Eighth Amendment right against overdetention, and thus "redundant with, or worse, disruptive to our Eighth Amendment analysis." *Ibid.*

The court then concluded that Peoples' claim failed as a matter of law for lack of deliberate indifference. Pet. App. 13a-17a. As the court observed, "the Sheriff detained Peoples for four days because [Corrections] would not accept him any sooner." Pet. App. 14a. And whatever the reason for Corrections' refusal to accept transfers at certain times, Corrections "is not a defendant in this case." *Ibid.* Furthermore, Corrections had exclusive authority to calculate sentences and the processing by Corrections, "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." *Ibid.* Peoples thus "could not go free" until that calculation and processing was complete, which is why the circuit court ordered the Sheriff to take Peoples into custody and deliver him to Corrections. *Ibid.* As required by

that order, the Sheriff delivered Peoples to Corrections “on the first day that [it] would accept him.” Pet. App. 14a-15a. That the Sheriff declined to ignore a direct judicial order was no basis for constitutional liability. Pet. App. 15a.

Peoples did not seek panel or *en banc* rehearing, but instead filed this petition.

### **REASONS FOR DENYING THE PETITION**

Peoples’ petition is a poor candidate for review. It is a cornerstone principle of certiorari jurisprudence that this Court will not review an issue when “it is not clear that [its] resolution of [that issue] will make any difference” to the petitioner. *Ticor Title Ins. Co. v. Brown*, 511 U.S. 117, 122 (1994) (per curiam); see, e.g., *Goins v. United States*, 306 U.S. 622 (1939) (per curiam) (dismissing petition where supposed error “could not have prejudiced the petitioner”).

That a case allegedly involves a conflict amongst the circuits does not change this fact. “While this Court decides questions of public importance, it decides them in the context of meaningful litigation. Its function in resolving conflicts among the Courts of Appeals is judicial, not simply administrative or managerial.” *The Monrosa v. Carbon Black Export*, 359 U.S. 180, 184 (1959) (dismissing petition). Thus, certiorari is inappropriate to resolve even a “clear conflict,” when that conflict’s “resolution . . . is

irrelevant to the ultimate outcome of the case.” Stephen M. Shapiro, et al., *SUPREME COURT PRACTICE* 249 (10th ed. 2013).

This case squarely implicates these fundamental principles. As noted above, Peoples repeatedly admitted at every phase of the proceedings below that he was required to show deliberate indifference to prevail on his overdetention claim, regardless of whether that claim arose under the Eighth or Fourteenth Amendment. *E.g.*, R. 83 at 12-13, 15; 7R. 12 at 22-23, 25. Because Peoples does not challenge the Seventh Circuit’s fact-bound conclusion that the record here does not show deliberate indifference, see Pet. App. 13a-17a, Peoples’ admissions below mean that his overdetention claim fails as a matter of law regardless of which Amendment governs. Review is thus manifestly inappropriate.

Peoples never acknowledges his repeated admissions below that deliberate indifference is required regardless of which Amendment controls the analysis. Indeed, he goes so far as to excise all mention of these admissions from his summary of his arguments before the Seventh Circuit. Compare Pet. 7, with 7R. 12 at 22-23, 25. Also excised from his discussion of the Seventh Circuit’s opinion is any mention of the fact that these repeated admissions played a central role in the Seventh Circuit’s ultimate judgment, by making it clear it was unnecessary to recognize a Fourteenth Amendment right that was

substantively “duplicative” and “redundant” of the right already guaranteed by the Eighth Amendment. Pet. App. 12a.

Peoples also neglects to mention that the sentencing order here specifically instructed the Sheriff to take Peoples “into custody” and “deliver” him to Corrections, R. 71 ¶67, and that this order played a major role in the Seventh Circuit’s judgment, Pet. App. 14a-15a. This omission is misleading in at least two respects. First, Peoples exploits that omission to repeatedly advance a patently false narrative that the Seventh Circuit authorized the Sheriff to simply ignore the imposition of a “time-served” sentence for his own, purely “bureaucratic,” “rationale.” Pet. 5; accord *id.* at 10 (accusing Sheriff of “administrative indifference”); *id.* at 14-15 (accusing Sheriff of holding Peoples for “administrative reasons” following a “time-served” sentence); *id.* at 19 (accusing Sheriff of detaining Peoples solely for “administrative process”).

Second, it gives the false impression that Peoples could have prevailed under a Fourteenth Amendment theory, when the very precedent he favorably cites makes clear that a Fourteenth Amendment overdetention theory fails if, as here, the detention was authorized by “a facially valid court order.” *Hicks v. LeBlanc*, 81 F.4th 497, 504 n.23 (5th Cir. 2023) (quoting *Douthit v. Jones*, 619 F.2d 527, 532 (5th Cir.

1980)).<sup>4</sup>

These omissions only confirm that review is inappropriate. This Court has long expected that petitions be “carefully prepared” and “contain appropriate references to the record and present with *studied accuracy* . . . whatever is essential to ready and adequate understanding of points requiring our attention.” *Furness, Withy & Co. v. Yang-Tsze Insurance Asso.*, 242 U.S. 430, 434 (1917). Otherwise, “the court will be impeded in its efforts properly to dispose of the causes which constantly crowd its docket.” *Ibid.* And when, as here, a petitioner omits “facts essential to an adequate appreciation to the situation,” he does so at his own risk, because the subsequent discovery of the omission requires the

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<sup>4</sup> No less misleading is Peoples’ insistence that the Seventh Circuit refused to even consider his claim, Pet. 2, and has “denied [plaintiffs] the opportunity to bring substantive due process claims,” *id.* at 4; accord *id.* at 14. The Seventh Circuit considered Peoples’ overdetention claim on the merits, and allows such claims to be pursued, but merely rejected Peoples’ narrow legal theory that such claims derive their substance from the Fourteenth Amendment. Even assuming Peoples did not intend to mislead, his argument still confuses “claims” and “legal theories.” “There is a fundamental difference in federal practice between a ‘claim’ and a legal theory. A ‘claim’ is a demand for relief from an identified injury, which may be supported (or defeated) by many different theories.” *Lindh v. Murphy*, 96 F.3d 856, 874 (7th Cir. 1996) (en banc), reversed on other grounds, *Lindh v. Murphy*, 521 U.S. 320 (1997). See generally *Johnson v. City of Shelby*, 574 U.S. 10 (2014) (per curiam) (relying on this distinction).

petition's dismissal as improvidently granted. *Id.* at 431; accord *City & County of San Francisco v. Sheehan*, 575 U.S. 600, 621 (2015) (Scalia, J., concurring in part, dissenting in part) (explaining that misleading certiorari petitions must be rejected in order for Court “to avoid being snookered, and to deter future snookering”).

Peoples’ attempt to get around the inconsequentiality of the supposed circuit conflict he identifies demonstrates how poor a vehicle this case is. Peoples declares – without citation to a single authority from any circuit – that only the Eighth Amendment requires a showing of deliberate indifference, while the Fourteenth Amendment “protects against arbitrary deprivations of liberty, regardless of intent.” Pet. 18. But Peoples intentionally waived any such argument below by repeatedly conceding that the Fourteenth Amendment requires deliberate indifference. R. 83 at 12-13, 15; 7R. 12 at 22-23, 25. It is well settled that such an intentional waiver will “extinguish” a claim of error, thus foreclosing all appellate review. *United States v. Olano*, 507 U.S. 725, 733 (1993); see, e.g., *Steagald v. United States*, 451 U.S. 204, 211 (1981) (government’s “assertions, concessions, and acquiescence” regarding a proposition meant it “lost its right to challenge” that proposition in this Court).

Even if Peoples could possibly explain how advocating for an entirely different legal standard

below than the one he advances before this Court is somehow only an inadvertent forfeiture, rather than a waiver, the proper disposition of his petition would remain the same. After all, this Court is not in the business of considering arguments forfeited below, at least absent truly compelling reasons for doing so. *E.g.*, *Sheehan*, 575 U.S. at 609; *Duignan v. United States*, 274 U.S. 195, 200 (1927) (collecting authority). Having avoided, rather than confronted, the vehicle problems permeating his petition, Peoples does not even attempt to claim such compelling reasons are present here, compounding his initial forfeiture with yet another, and further confirming that his petition is unworthy of review.

In sum, Peoples' petition is patently unfit for certiorari review. It should be denied.

**CONCLUSION**

The petition for a writ of certiorari should be denied.

Respectfully submitted,

EILEEN O'NEILL BURKE  
COOK COUNTY STATE'S ATTORNEY  
CATHY MCNEIL STEIN  
LYLE HENRETTY  
JONATHON D. BYRER\*  
JOHN POWER  
500 Richard J. Daley Center  
Chicago, IL 60602  
(312) 603-4366  
jonathon.byrer@cookcountysao.org  
*Counsel for Respondents*

*\*Counsel of Record*

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