NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 17, 2025*
Decided March 20, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-1324

FREDERICK S. KOGER,
Plaintiff-Appellant,

v.

CHARLES E. KLEIDON, et al.,
Defendants-Appellees.

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

No. 1:17-cv-09277

Martha M. Pacold,
Judge.

ORDER

Frederick Koger appeals the denial of his post-judgment motion to reopen a case that he dismissed with prejudice in 2018. The district court concluded that Koger's request was both untimely and unsupported by valid reasons to reopen. We affirm.

---

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

Appendix A

In 2014, Chicago police arrested Koger after a physical altercation with his daughter. Although Koger was released from custody and no charges were filed against him, the record of his arrest, including his mugshot, remained publicly available. In 2017, he discovered his mugshot online and sued the officers involved in his arrest for publishing the arrest report, violating his rights by arresting him without cause, failing to read him his *Miranda* rights, and inflicting emotional distress that resulted in post-traumatic stress disorder (PTSD). Koger soon moved to voluntarily dismiss the case with prejudice, though he maintained that he wanted his mugshot removed from the Internet. After confirming that Koger knew the defendants could not provide him with that relief, the court granted his motion and dismissed the case.

Four years later, in 2022, Koger moved to reopen the case. He argued that he had only agreed to dismiss his complaint because the defendants had promised to remove his mugshot from the Internet, but had not done so, and reiterated that he had suffered constitutional violations during his arrest. The district court construed the motion as arising under Federal Rule of Civil Procedure 60(b) and denied it. To the extent that Koger sought relief from the judgment dismissing his case based on mistake, newly discovered evidence, or misconduct by an opposing party, his request was too late. FED. R. CIV. P. 60(b)(1)–(3); (c)(1) (imposing one-year deadline on motions under Rule 60(b)(1)–(3)). Even if the request could be construed as arising under the catchall provision of Rule 60(b)(6), which generally permits a motion for relief from judgment for any other reason provided the motion is filed in a reasonable time, it failed. Many of the concerns Koger raised in the motion had been addressed at the time the case was dismissed, and none of his other concerns justified reopening the case. He did not appeal this decision.

In 2024, Koger filed a second post-judgment motion. Again, he sought to reopen his case. He re-asserted the arguments from the first motion to reopen and added that his PTSD caused him to mistakenly dismiss his case. He also requested that Judge Pacold, who had denied the first post-judgment motion, recuse herself. The court denied these motions, explaining that its reasoning from the first post-judgment motion to reopen still applied, Koger had raised no additional valid reasons to reopen the case, and he had provided no legitimate basis for Judge Pacold's recusal.

Koger appeals the denials of his 2022 and 2024 motions, arguing that the district court erred in denying them. We limited review to the 2024 denial because he had not timely appealed the 2022 decision. He does not contest this decision or argue that the court erred in denying his motion to recuse, so we do not address these topics. We

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.6.3
Eastern Division

Frederick Koger

Plaintiff,

v.

Case No.: 1:17–cv–09277
Honorable Martha M. Pacold

C.E. Kleidon, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, December 9, 2022:

MINUTE entry before the Honorable Martha M. Pacold: This case was recently reassigned to the undersigned judge. The Court has carefully considered the entire record. The thrust of Plaintiff's motions to reopen, aside from reiterating the allegations in his complaint, is that he only agreed to the dismissal with prejudice based on his assumption that Defendants were going to have his mugshot removed from the internet, but he has since seen the mugshot online. Broadly construed, Plaintiff appears to be seeking relief based on mistake, newly discovered evidence, and/or purported misconduct by an opposing party. These grounds are within the ambit of Rule 60(b)(1), (2), and (3). Plaintiff's arguments in this regard are self–defeating: Plaintiff admits that he stated to opposing counsel and the court that he wanted the mugshot removed from the internet, but was informed that "it doesn't work that way," and still agreed to the dismissal. [63] at 4; [65] at 4. Further, any request for relief under these portions of Rule 60(b) is untimely. See Fed. R. Civ. P. 60(b)(c) (motions under these provisions must be brought within one year). Plaintiff seeks to reopen this case almost four years after he voluntarily dismissed it with prejudice, see [43] (dismissal order dated 4/18/2018), [56] (transcript of 4/18/2018 proceedings), [44] and [46] (initial filings seeking reopening, dated 3/18/2022 and 4/4/2022 respectively). Due to the timing of Plaintiff's motions, his "only option would have been Rule 60(b)(6)." O'Neal v. Reilly, 961 F.3d 973, 975 (7th Cir. 2020). But "Rule 60(b)(6), as a residual catchall, applies only if the other specifically enumerated rules do not." Pearson v. Target Corp., 893 F.3d 980, 984 (7th Cir. 2018). Even setting aside that issue, Plaintiff voiced the primary concerns asserted in the current motions before he decided to dismiss this case, see [56] (transcript of 4/18/2018 proceedings), Plaintiff did not seek relief within a reasonable time, and no extraordinary circumstances support the requested relief. See Arrieta v. Battaglia, 461 F.3d 861, 865 (7th Cir. 2006). To the extent Plaintiff makes new arguments as to why his arrest was wrongful, those do not constitute extraordinary circumstances either. Thus, Plaintiff's motions to reopen, [46], [49], [63] and [65], and for summary judgment [52], are denied. This case remains closed. (rao,)

Appendix B

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division

Frederick Koger

Plaintiff,

v.

Case No.: 1:17–cv–09277
Honorable Martha M. Pacold

C.E. Kleidon, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, February 20, 2024:

MINUTE entry before the Honorable Martha M. Pacold: The court has received a second "affirmation in support of motion" [75], which was filed by plaintiff alongside a "notice of motion to recuse" [76], filed by the Clerk's Office on 2/7/2024, and entered on the docket on 2/12/2024. The notice of motion and associated hearing are stricken. The court's motion procedures, which are posted on the court's website, prohibit the noticing of motions at this time. Plaintiff's filing [75] appears to be largely the same as plaintiff's previous "affirmation in support of motion" [72], which the court recently construed as a motion to reopen and denied [74]. To the extent that plaintiff's second "affirmation in support of motion" [75] constitutes an additional motion to reopen, it is denied for the reasons stated in the court's previous minute entry [74]. Plaintiff's second "affirmation in support of motion&quo;t; [75] also demands that the court recuse itself from consideration of this case under 28 U.S.C. § 455. The court construes this as a motion for the court to recuse itself under 28 U.S.C. § 455. The motion is denied. There is no valid basis for recusal in this case. Dissatisfaction with the court's orders is not a valid basis for recusal, and nothing about the court's decision not to reconsider its ruling on plaintiff's motion to reopen "display[s] a deep–seated favoritism or antagonism that would make fair judgment impossible." In re City of Milwaukee, 788 F.3d 717, 720 (7th Cir. 2015); see also Liteky v. United States, 510 U.S. 540, 555 (1994) (explaining that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion," and that "opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep–seated favoritism or antagonism that would make fair judgment impossible"). There are no grounds upon which a "reasonable, well–informed observer might question the [court&#0;39;s] impartiality or 'entertain a significant doubt that justice would be done in the case.'" United States v. Perez, 956 F.3d 970, 975 (7th Cir. 2020) (quoting United States v. Herrera–Valdez, 826 F.3d 912, 917 (7th Cir. 2016)). (rao,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.

Additional material from this filing is available in the Clerk's Office.