APPENDIX
TABLE OF CONTENTS

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 24-1025

Alexander Carter, Lamarcus Cargill, Jimmy D. Hitchcock, Dashaun Riley, Arland Scott, Charles Smith, Eugene Washington, Amy Won, and Deshawn Wright, individually and for others similarly situated,

Plaintiffs-Appellants,

v.

Cook County Sheriff and Cook County, Illinois,

Defendants-Appellees.

[Filed: July 3, 2025]

Appeal from the United States District Court
For the Northern District of Illinois
USDC No. 22-cv-1893 – **Jeremy C. Danie**l, Judge

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

PRYOR, *Circuit Judge.* Invoking 42 U.S.C. § 1983, a group of nine named plaintiffs led by Alexander Carter filed a putative class action suit against the Cook County Sheriff. They sought damages for constitutional violations stemming from a policy at the Cook County Jail of destroying an inmate's government-issued identification card if left unclaimed in jail storage after the inmate is transferred out of the Cook County Jail to the Illinois Department of Corrections (IDOC). The plaintiffs argued that this policy, under which they were given a limited window of time to arrange for the recovery of their

government-issued identification cards, violated the Fourth, Fifth, and Fourteenth Amendments of the Constitution. The district court granted the Sheriff's motion to dismiss, finding each claim foreclosed by precedent. We affirm.

I. Background

A. Factual Background

We review de novo a district court's dismissal of a complaint for failure to state a claim, accepting all well-pleaded factual allegations as true and making all reasonable inferences in the plaintiffs' favor. *Chaidez v. Ford Motor Co.*, 937 F.3d 998, 1004 (7th Cir. 2019).

When a person is arrested and detained at the Cook County Jail, the Sheriff seizes and inventories the detainees' property and categorizes the items as either "compliant" or "non-compliant." Compliant property includes clothing, keys, credit cards, and government-issued identification cards. Under direction of the Sheriff, the jail stores all compliant property until the owner is either released or transferred to the IDOC.

When a person is transferred from the Cook County Jail to the IDOC, the inmate must complete a "Shipment Donation/Designator Form," which contains the jail's designate-or destroy policy. The top of the form states:

> You are being shipped to the Illinois Department of Corrections or to another facility and cannot take any of the items above with you. You have two choices. You can donate the items or designate someone to pick them up. Below are two sections, Donation Authorization and Authorization for Property Pickup. DO NOT FILL OUT BOTH SECTIONS.

The form explains how a designated third party can retrieve a detainee's property. Towards the bottom, the form warns:

> If the property is NOT picked up within 45 days of the date of this letter, it will be removed from storage and disposed of accordingly.[1]

Each of the nine named plaintiffs—Alexander Carter, Lamarcus Cargill, Jimmy D. Hitchcock, Dashaun Riley, Arland Scott, Charles Smith, Eugene Washington, Amy Won, and Deshawn Wright—was at one point arrested and detained at the Cook County Jail. During the booking process, the jail inventoried the arrestees' personal property, which included government-issued identification cards. Between January 2019 and March 2021, each plaintiff was transferred from the county jail to IDOC. The Sheriff did not, however, ship the plaintiffs' identification cards with them to the IDOC. Instead of forwarding the property to IDOC, the Sheriff applied its designate-or-destroy policy to eventually destroy each plaintiff's government-issued identification cards.

B. Procedural History

On April 12, 2022, Carter filed a § 1983 class action complaint against the Sheriff, challenging the Sheriff's

---

[1] The plaintiffs did not include this form in their complaint, but they did attach it to their response to the defendants' motion to dismiss. We may consider the form because its purpose was to illustrate the facts the plaintiffs expected to prove. *Geinosky v. City of Chicag*o, 675 F.3d 743, 745 n.1 (7th Cir. 2012). We note also that the form itself describes a 45-day property recovery window, but the complaint recites a 60-day window. This typographical error does not affect our analysis.

designate-or-destroy policy as unconstitutional.[2] Carter added the additional named plaintiffs in an amended complaint filed on November 8, 2022. From here, we refer to the plaintiffs collectively as "Carter." Carter argued that the designate-or-destroy policy violated the Fourth Amendment's prohibition on unreasonable seizures, the Fifth Amendment's Takings Clause, and both the substantive and procedural components of the Fourteenth Amendment's Due Process Clause. The Sheriff moved to dismiss for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Sheriff argued that all of Carter's claims were foreclosed by this Court's precedent, and that Carter had not plausibly pleaded facts that show otherwise. Carter conceded that our decision in *Lee v. City of Chicago*, 330 F.3d 456 (7th Cir. 2003), foreclosed his Fourth Amendment claim, but preserved the topic for appeal in the hopes of persuading us to reconsider *Lee* in light of more recent Supreme Court precedent.

The district court granted the motion to dismiss on all claims. The court accepted Carter's concession as to the Fourth Amendment claim and held that Carter's other claims were indistinguishable from the Fifth and Fourteenth Amendment constitutional arguments we rejected in two closely analogous cases: *Conyers v. City of Chicago*, 10 F.4th 704 (7th Cir. 2021), and *Kelley-Lomax v. City of Chicago*, 49 F.4th 1124 (7th Cir. 2022).

Carter appeals, renewing his Fourth, Fifth, and Fourteenth Amendment substantive due process claims. He

---

[2] The complaint also named Cook County as a necessary party. *See Carver v. Sheriff of LaSalle County*, 324 F.3d 947, 948 (7th Cir. 2003) ("[A] county in Illinois is a necessary party in any suit seeking damages from an independently elected county officer (sheriff, assessor, clerk of court, and so on) in an official capacity."); FED. R. CIV. P. 17, 19.

does not appeal the Fourteenth Amendment procedural due process claim.

II. Discussion

We analyze Carter's Fourth, Fifth, and Fourteenth Amendment arguments in turn.

A. Fourth Amendment

The Fourth Amendment protects against "unreasonable searches and seizures" of property. U.S. CONST. amend. IV. It is "well settled," however, that the government may constitutionally "seize and inventory … [an individual's] property upon arrest." *Conyers*, 10 F.4th at 706 (citing *Illinois v. Lafayette*, 462 U.S. 640, 646 (1983) (seizure of property found on an individual at the time of arrest is "reasonable" under the Fourth Amendment). In line with this principle, Carter cannot and does not challenge the constitutionality of the Sheriff's initial seizure of his government-issued identification cards.

Instead, Carter alleges that the Sheriff's policy of maintaining possession of an inmate's government-issued identification card, even after transferring the inmate to the IDOC, independently violates the Fourth Amendment—even if the initial seizure of the property was lawful. This argument, as Carter concedes, runs headlong into our precedent rejecting the notion that a plaintiff may challenge a "continuing seizure" of lawfully seized property under the Fourth Amendment. *Lee*, 330 F.3d at 466 (holding that the Fourth Amendment "cannot be invoked by the dispossessed owner to regain his [lawfully seized] property."); *see also Wilkins v. May*, 872 F.2d 190, 193–95 (7th Cir. 1989) (rejecting Fourth Amendment "continuing seizure" theory as applied to persons whose detention was alleged to be unlawfully prolonged). Carter urges us to reconsider *Lee* in light of three recent Supreme Court cases.

First, Carter argues that *Lee* did not engage in a proper historical analysis of the Fourth Amendment, which he contends is required by *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). *Bruen* is a Second Amendment case in which the Supreme Court explained that courts may only uphold a challenged firearm regulation once the government justifies it "by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Bruen*, 597 U.S. at 24. But *Bruen* had nothing new to say about the Fourth Amendment. Although the Court commented that its historical focus "comports with how we assess many other constitutional claims," *id.* at 25, including Fourth Amendment claims, *id.* at 37, nowhere within *Bruen* did the Court suggest that existing Fourth Amendment cases like *Lee* were erroneously decided. We decline to stretch the "general language" in *Bruen* so dramatically beyond its context to "quite different circumstances that the Court was not then considering." *Turkiye Halk Bankasi A.S. v. United States*, 598 U.S. 264, 278 (2023) (quoting *Illinois v. Lidster*, 540 U.S. 419, 424 (2004)). Besides, we did engage in a historical analysis of the Fourth Amendment in *Lee*, but we concluded that the "text, history, and judicial interpretations" of the Fourth Amendment did not support a "continuing seizure" theory. *Lee*, 330 F.3d at 461–64; *see also Wilkins*, 872 F.2d at 193–94.[3] *Bruen* does not help Carter.

---

[3] Carter offers a somewhat scattered historical analysis of his own, citing a scholarly article explaining that warrants for the seizure of property must specify the items to be seized so that a person can "know and understand what property was taken" and can have the power to "get it back." Laurent Sacharoff, *The Fourth Amendment Inventory As A Check on Digital Searches*, 105 IOWA L. REV. 1643, 1671 (2020). He also cites a Vermont Supreme Court case and an

(footnote continued)

Carter's second Supreme Court case is *Manuel v. City of Joliet*, 580 U.S. 357 (2017). In *Manuel*, the Supreme Court held that a man who spent weeks in pretrial detention based on false statements by the arresting officer could challenge his continued detention as an unreasonable seizure under the Fourth Amendment. 580 U.S. at 369–70. Carter argues that *Manuel* counsels a second look at our rejection of a Fourth Amendment "continuing seizure" theory in *Lee*. But we rejected this very argument in *Conyers*.[4] 10 F.4th at 706, 710. We explained that *Manuel* was unhelpful for two reasons:

> First, *Manuel* dealt with pretrial confinement, not the retention of property. More importantly, even if we were to equate persons and property for these purposes, it would not help our plaintiffs. *Manuel* was about a defendant's ability to show that a finding of probable cause—necessary to support the detention—was based upon fabricated evidence. In other words, were the seizure and detention flawed from the outset? No such question arose in *Lee*, and no such question exists in our case.

Iowa Supreme Court case for the general proposition that a "temporary bailee" of property must take care of that property and return it upon request. *Crawford v. Newell*, 23 Iowa 453, 455 (1867); *Tinker v. Morrill*, 39 Vt. 477, 479 (1866). Carter does not explain why or how any of these sources map onto the context here or why they should lead us to overrule *Lee*. Indeed, Carter's complaint explains that the Sheriff "safely secures [a detainee's] property while the detainee remains in the Sheriff's custody," until the recovery window expires.

[4] The facts in *Conyers* concerned a very similar property retrieval policy pursuant to which arrestees transferred from the custody of the Chicago Police Department to the Cook County Jail had 30 days to arrange for the recovery of their property. 10 F.4th at 706–08.

Id. at 710 (citation omitted). This explanation in *Conyers* for why the Supreme Court's decision in *Manuel* does not under-cut *Lee* stands true today.

Still seeking to have us reject *Lee*, Carter points to a third Supreme Court case, *Thompson v. Clark*, 596 U.S. 36 (2022), which was published after *Conyers*. *Thompson* dealt with one of the necessary elements of a Fourth Amendment claim under § 1983 for malicious prosecution—a favorable termination of the underlying criminal case. 596 U.S. at 44. The Court explained that the favorable termination requirement could be satisfied by showing that "the criminal prosecution ended without a conviction," rather than "some affirmative indication of innocence." *Id.* at 49. Carter argues that *Thompson* somehow demonstrates that our analysis of *Manuel* in *Conyers* was incorrect. But we disagree. *Thompson* concerned the narrow question of what constitutes a "favorable termination" for purposes of a malicious prosecution claim. It did not address whether a county jail's continued seizure of property could form the basis of a cognizable Fourth Amendment claim. To the extent that Carter argues that a malicious prosecution claim extends the Fourth Amendment's coverage beyond the initial seizure, we do not read *Thompson* to stand for that proposition. As the Court explained, when examining a malicious prosecution claim, the relevant question is whether the Fourth Amendment's probable-cause requirement has been met at the outset. *Id.* at 42 (citing *Manuel*, 580 U.S. at 363–64, 367–68); *see also Conyers*, 10 F.4th at 710. We see nothing in *Thompson* that would disturb *Lee*.[5]

---

[5] Indeed, we reaffirmed *Conyers's* treatment of *Manuel* in *Kelley-Lomax*, which was published after *Thompson* and concerned the exact same property retrieval policy at issue in *Conyers*. *Kelley-Lomax*, 49 F.4th at 1125 ("The Fourth Amendment is satisfied if the

(footnote continued)

Because Carter's arguments have not persuaded us to reconsider *Lee*, we conclude that the district court correctly dismissed Carter's Fourth Amendment claim.

B. Fifth Amendment

We next address Carter's argument that the destruction of his government-issued identification cards constituted a "taking" within the meaning of the Fifth Amendment. The Takings Clause of the Fifth Amendment protects against government takings of private property "for public use, without just compensation." U.S. CONST. amend. V.

"A person who asserts a Takings Clause claim must show several things: (1) that the governmental entity took his property, either through a physical taking, or through unduly onerous regulations; (2) that the taking was for a public use; and (3) that, no matter what type of property (real or personal) was taken, the government has not paid just compensation." *Conyers*, 10 F.4th at 710–11 (internal citations omitted). "[P]roperty rights protected by the Takings Clause are creatures of state law." *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 155 (2021). We assume for purposes of this appeal that inmates have a general property interest in their government-issued identification cards and that the government took this property for a public use without compensating the inmates. *Kelley-Lomax*, 49 F.4th at 1125; *Conyers*, 10 F.4th at 711. But because the government can take abandoned property without compensation, "the key question [in this appeal] is whether [the Sheriff] was entitled to treat [Carter's] property as abandoned—that is, intentionally relinquished—when [Carter] failed to follow the reclamation procedures the [Sheriff]

---

seizure is reasonable when it occurs—as seizure of an arrestee's property is.").

offered." *Conyers*, 10 F.4th at 711. Analyzing the City of Chicago's similar property destruction policy, we explained in *Conyers* that the question of abandonment turned on whether a detainee had adequate notice of the jail's policy and an opportunity to take advantage of it. *Id.* at 711–13 (acknowledging that Fifth Amendment takings analysis was "intertwined" with due process inquiry). We found abandonment—and therefore no valid Fifth Amendment takings claim—for three reasons:

> First, the detainee knows exactly what has been taken from him and when that confiscation occurred. Second, the detainee is told both how (either personally or through a representative) to get his property back and how quickly he must do so. Finally, the hard-copy [n]otice plainly states that '[i]f you do not contact the [Chicago Police Department] to get your property back within 30 days of the date on this receipt, it will be considered abandoned….'

Id. at 712 (emphasis omitted). These features of the contested policy were "plain enough to entitle the [government] to treat as abandoned any property that remains unclaimed after 30 days have gone by." *Id.* Since "genuinely abandoned property does not belong to anyone," we reasoned, "the [government] may dispose of it as it sees fit." *Id.* (citing *Cerajeski v. Zoeller*, 735 F.3d 577, 581 (7th Cir. 2013)). With no due process violation, the plaintiffs' takings theory also failed. *Id.* at 715.

As the Sheriff argues here, the parallels between this case and *Conyers* are hard to ignore. Here, as in *Conyers*, Carter was provided with a written notice clearly outlining how to retrieve his property. Yet, like in *Conyers*, Carter has failed to demonstrate that he could not avail himself of the property retrieval procedure, or that he even tried. *See id.* at 714–15. Carter does

not allege that he was unfamiliar with the Sheriff's designate-or-destroy policy, that it was unfair, or that it was too difficult to follow. Nor does he allege that he ever designated a proxy to retrieve his government-issued identification card (or that he had no one to designate in the first place). We see no daylight between *Conyers* and the facts here, and therefore conclude that the Sheriff was "entitled to treat [Carter's] property as abandoned." *Id.* at 711.

Carter seems to recognize this reality and now argues that the Supreme Court's decision in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), upended *Conyers* and requires a finding that Carter did not abandon his government identification card when transferred to the IDOC. But the Supreme Court's decision in *Tyler* also does not help Carter.

Tyler involved a homeowner, Tyler, whose home was sold by Hennepin County, Minnesota, after she failed to pay property taxes for many years. 598 U.S. at 635. The County paid itself back taxes from the proceeds of the forced sale and kept an additional $25,000 in surplus money from the sale. *Id.* Tyler sued, arguing that keeping the surplus constituted a Fifth Amendment "taking." *Id.* at 635–36. The County countered that there was no taking because Tyler had constructively abandoned her property—and therefore any surplus from a forced sale—by failing to pay taxes. *Id.* at 646. The Supreme Court sided with Tyler finding she had plausibly alleged the State had taken the surplus in her home without due process of law. *Id.* at 643–47.

Addressing the defendant's abandonment argument, the Court reasoned that the County could not deem Tyler's home abandoned simply because she had failed to pay taxes. *Id.* at 647. "Abandonment requires the 'surrender or relinquishment or disclaimer of' all rights in

the property." *Id.* at 646 (quoting *Rowe v. Minneapolis*, 49 Minn. 148 (1892)). The Court explained that "[i]t is the owner's failure to make any use of the property" that causes a property interest to be relinquished. *Id.* at 647. The Supreme Court reasoned that the County could not rely on Minnesota's forfeiture scheme because it did not address abandonment at all. Without a procedure to determine the delinquent taxpayer's use of the property or her intention to relinquish her property rights, the Supreme Court found the County's constructive abandonment argument failed. *Id.*

Carter argues that Tyler is analogous to this case because he, like Tyler, did not intend to abandon his property. He contends that our inference of abandonment in *Conyers*, which we drew from the inmate's failure to follow a transparent and accessible property retrieval procedure, was erroneous because our focus on process did not account for whether the inmate "voluntarily relinquish[ed]" their property.

The Supreme Court in *Tyler* explained that the government "has the power to condition the permanent retention of [a] property right on the performance of reasonable conditions that indicate a present intention to retain the interest." 598 U.S. at 646 (modification in original) (quoting *Texaco, Inc. v. Short*, 454 U.S. 516, 526 (1982)).[6] The Court distinguished the facts in *Tyler* from *Nelson v. City of New York*, 352 U.S. 103, 110 (1956), in which property owners were deemed to have forfeited the surplus from a foreclosure sale of property after failing to follow the city ordinance for claiming the surplus. *See Tyler*, 598 U.S. at 643–44 (discussing *Nelson*).

---

[6] In *Texaco*, property owners were deemed to have abandoned mineral rights after failing to use property and fill out paperwork indicating that they still claimed ownership over the rights. *Texaco*, 454 U.S. at 526.

Because the New York City ordinance provided a procedure for owners to express continued interest in retaining their property and recovering the surplus from any tax sale, the Supreme Court found no Takings Clause violation. *Id.* at 643–44 (citing *Nelson*, 352 U.S. at 110).

In this case, the Cook County Jail provides an inmate, whose property has been seized, an opportunity to reclaim his property before the jail considers it abandoned or intentionally relinquished. The inmate is required to fill out a form designating a third party to retrieve his property. Such a policy, if somewhat tedious, provides sufficient process to determine if the inmate intends to abandon his property for purposes of the Fifth Amendment. Because this procedure was "plain," and because Carter did not allege that he even attempted to follow it or that doing so would have been futile, we follow *Conyers* in concluding that Carter abandoned his government issued identification, and any Fifth Amendment takings claim along with it. *Conyers*, 10 F.4th at 712.

C. Fourteenth Amendment

Finally, we turn to Carter's substantive due process argument. The Fourteenth Amendment's Due Process Clause protects against the deprivation of "life, liberty, or property, without due process of law." U.S. CONST. amend. XIV, § 1. The Clause has both a procedural and substantive component. *Lukaszczyk v. Cook County*, 47 F.4th 587, 599 (7th Cir. 2022). When a plaintiff challenges a government policy on substantive due process grounds, the threshold question is whether the challenged policy infringes upon a "fundamental right or liberty." *Id.* at 599–600. Fundamental rights have "deep roots in our history and traditions," *Kelley-Lomax*, 49 F.4th at 1125, so deep that they are "implicit in the concept of ordered liberty," *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) (citation omitted).

Government actions infringing on fundamental rights receive heightened scrutiny. *Lukaszczyk*, 47 F.4th at 599–600. But if a fundamental right is in not in play, we apply rational-basis review, which is highly deferential to the government. *Goodpaster v. City of Indianapolis*, 736 F.3d 1060, 1071 (7th Cir. 2013). If "some rational basis exists" upon which the challenged policy could be based, it survives rational-basis review, regardless of "whether the reasons given actually motivated" the policymakers. *Id.*

By arguing that the Sheriff's designate-or-destroy policy lacks a rational basis, Carter correctly concedes that rational basis review applies. In *Kelley-Lomax*, we explained that "property is a fundamental right," but that "pointing to the fundamental status of 'property' in the abstract" is not enough to warrant heightened scrutiny. 49 F.4th at 1125. Instead, a plaintiff must show that the "actual policy at stake"— here, the Sheriff's unwillingness to forward government-issued identification from the Cook County Jail to IDOC— "has historical provenance." *Id.* Carter has not made that showing, so rational-basis review applies.

As explained in *Lee v. City of Chicago*, this leads to another hurdle:

> When a substantive-due-process challenge involves only the deprivation of a property interest, a plaintiff must show 'either the inadequacy of state law remedies or an independent constitutional violation' before the court will even engage in … rational-basis review.

330 F.3d at 467 (quoting *Doherty v. City of Chicago*, 75 F.3d 318, 323–26 (7th Cir. 1996)). As discussed above, Carter has abandoned his property by not following the procedures for its return. While Carter alleges that the Sheriff's designate-or-destroy policy violates Illinois

law, he has not alleged the inadequacy of Illinois remedies or even the inadequacy of the Sheriff's own property recovery procedures. And given that his Fourth and Fifth Amendment claims are foreclosed by *Lee* and *Conyers*, Carter has not established an independent constitutional violation. Following *Lee*, we will therefore not engage in rational-basis review. Carter's Fourteenth Amendment substantive due process claim thus must fail.

III. Conclusion

For the foregoing reasons, we AFFIRM.

APPENDIX B

UNITED STATES DISTRICT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

No. 22-cv-1893

Alexander Carter, Lamarcus Cargill, Jimmy D. Hitchcock, Dashaun Riley, Arland Scott, Charles Smith, Eugene Washington, Amy Won, and Deshawn Wright, individually and for others similarly situated,

Plaintiffs,

-vs-

Sheriff of Cook County and Cook County, Illinois,

Defendants.

ORDER

January 3, 2024

Jeremy C. Daniel, United States District Judge.

The defendants' motion to dismiss (R. 24) is granted.

STATEMENT

The plaintiffs are individuals incarcerated at the Illinois Department of Corrections (IDOC) who were previously housed at the Cook County Jail. (R. 19 ¶ 3.) When each of the plaintiffs were transferred to IDOC from Cook County, their government-issued identification cards were not automatically transferred with them. (*Id.* ¶¶ 5- 8) Instead, the Cook County Sheriff's Office maintains a policy requiring transferees to either donate any personal items collected upon their entry into the jail or designate someone to pick them up. (*Id.* ¶ 18; *see, e.g.*, R. 29-1 at 1.) Items that are not collected within at least forty-five days are destroyed. (R. 19 ¶ 20.) In their amended complaint, the plaintiffs allege that this policy

and the destruction of their IDs denied them procedural and substantive due process and violated their Fourth and Fifth Amendment constitutional rights.[1] The defendants have moved to dismiss the amended complaint in its entirety. (R. 24.)

To survive a motion to dismiss under Rule 12(b)(6), a complaint must "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

First, the plaintiffs' Fourth Amendment claim must be dismissed because, as they concede, (R. 19 ¶ 21) their claim is foreclosed by Seventh Circuit precedent holding that there is no Fourth Amendment violation "if the seizure is reasonable when it occurs," *Kelley-Lomax v. City of Chi.*, 49 F.4th 1124, 1125 (7th Cir. 2022) (citing *Lee v. City of Chi.*, 330 F.3d 456, 460-66 (7th Cir. 2003)), and they only assert this claim for preservation. (R. 29 at 6.) Because the plaintiffs do not claim that the initial seizure of their IDs was unreasonable, once properly dispossessed of their IDs, they cannot reinvoke the Fourth Amendment to regain it. *See Lee*, 330 F.3d at 466. This claim is dismissed.

---

[1] The Sheriff is sued only in his official capacity and Defendant Cook County is accordingly named as an indispensable party. *Carver v. Sheriff of LaSalle County*, 324 F. 3d 947 (7th Cir. 2003) ("[A] county in Illinois is a necessary party in any suit seeking damages from an independently elected county officer (sheriff, assessor, clerk of court, and so on) in an official capacity.").

Second, the plaintiffs' Due Process claims also fail. The Due Process Clause of the Fourteenth Amendment prohibits "the deprivation of life, liberty or property by the government without due process of law." *Rock River Health Care, LLC v. Eagleson*, 14 F.4th 768, 773 (7th Cir. 2021). Plaintiffs first assert a procedural due process claim, which requires "both adequate notice and an opportunity to be heard before the state may take property." *Conyers v. City of Chi.*, 10 F.4th 704, 712 (7th Cir. 2021). "Fair or adequate notice has two basic elements: content and delivery. If the notice is unclear, the fact that it was received will not make it adequate." *Robledo v. City of Chi.*, 444 F. Supp. 2d 895, 901 (N.D. Ill. 2006) (concluding that the plaintiffs stated a procedural due process claim because the notice they allegedly received was unclear).

The plaintiffs argue that the notice they received was inadequate because it was "false and misleading." (R. 29 at 9-10.) But the amended complaint does not contain any factual allegations describing how the notice was false or how it misled the plaintiffs. Moreover, these allegations are belied by the model "Shipment Donation/Designator Form" ("Exhibit 1") used by the Cook County Jail that the plaintiffs attached to their opposition brief which shows that the plaintiffs were clearly and accurately told how to recover their property. (R. 29-1 at 1.)[2] The form,

---

[2] Although a district court considering a motion to dismiss under Rule 12(b)(6) is ordinarily confined to the allegations of the complaint, the Court properly considers the plaintiffs' Exhibit 1 because it is central to the plaintiffs' claims. *Gagliano v. Cytrade Fin., LLC*, No. 09-4185, 2009 WL 3366975, at *2 (N.D. Ill. Oct. 16, 2009). Indeed, the plaintiff attached the notice to its opposition brief to show the facts it hopes to prove to support its procedural due process claim, (R. 29 at 5 n.3), which turns on the adequacy of the notice the plaintiffs allegedly received.

provided to prisoners leaving for IDOC, gives the following disclosure:

> You are being shipped to the Illinois Department of Corrections or to another facility and cannot take any of the items above with you. You have two choices. You can donate the items or designate someone to pick them up . . . If the property is NOT picked up within 45 days of the date of this letter, it will be removed from storage and disposed of accordingly.

(*Id.*; R. 29 at 9.) Despite the plaintiffs' argument to the contrary, the above language does not inaccurately describe the Sheriff's policy. Instead, consistent with the plaintiffs' own allegations regarding the Sheriff's policy, the notice clearly conveys that the Sheriff would not send their IDs along with the plaintiffs when they were transferred from Cook County to IDOC.

The plaintiffs also cite *Gates v. City of Chicago*, 623 F.3d 389, 400 (7th Cir. 2010), in which the Seventh Circuit decided that a property release notice given to arrestees violated due process because it did not "adequately inform arrestees of the procedures to retrieve their money." There, following the instructions that the defendant provided would have been a "futile pursuit" for the arrestees in some instances because the property seized would not be available for immediate release, as the notice implied. *Id.* Here, however, the plaintiffs do not allege that sending an individual to collect their IDs within the time period designated in the notice would have been a futile exercise.

The plaintiffs further allege that the notice violates due process because the defendants are obliged to follow the Illinois Administrative Code, which provides that "[p]ersonal property allowed by the receiving facility shall be transferred with the detainee." 20 Ill. Admin.

Code § 701.60(d)(4). Yet, even if the plaintiffs "may not have received the process Illinois directs . . . the Constitution does not require state and local governments to adhere to their procedural promises. Failure to implement state law violates that state law, not the Constitution; the remedy lies in state court." *C.L. for Urb. Believers v. City of Chi.*, 342 F.3d 752, 767 (7th Cir. 2003). Accordingly, there are no allegations distinguishing this case from *Conyers*, which held that "there is nothing unconstitutional about the City's decision to deem property abandoned" at the conclusion of the recovery period. 10 F.4th at 712. The plaintiffs have therefore failed to plausibly allege a procedural due process claim against the defendants.

The plaintiffs' substantive due process claim likewise fails. "While procedural due process assures fair procedure in the decision-making process, the substantive due process clause is concerned with the decision itself." *Universal Sec. Ins. Co. v. Koefoed*, 775 F. Supp. 240, 244 (N.D. Ill. 1991). "Substantive due process depends on the existence of a fundamental right, which means a right with deep roots in our history and traditions[.]" *Kelley-Lomax*, 49 F.4th at 1125. *Kelley-Lomax* held that there is no substantive due process claim absent allegations showing a historical tradition of the government "serv[ing] as [an] unpaid custodian of . . . goods for as long as it takes for [a detainee] (or his designee) to retrieve the items." *Id.* Here, the plaintiffs have likewise failed to allege a historical tradition of the government serving as an unpaid bailee for indefinite periods and so *Kelley-Lomax* forecloses this claim.

The plaintiffs argue that they do not allege that the government must hold onto their property for extended periods, only "that the Sheriff should respect their property rights by sending government-issued

identification with any detainee being transferred to the Illinois Department of Corrections." (R. 24 at 7-8.) Yet, as Judge Seeger explained in another case similarly challenging the Sheriff's policy, "[t]he Constitution did not require the Sheriff to ship the property to the IDOC, either. The Fourteenth Amendment requires notice and an opportunity for retrieval before destroying personal property. But the Constitution does not require transportation services, or free shipping." *Elizarri by Perez v. Sheriff of Cook Cnty.*, No. 17 CV 8120, 2023 WL 5348749, at *13 (N.D. Ill. Aug. 21, 2023). The plaintiffs fail to allege any facts that would make their case distinguishable from the plaintiffs in *Elizarri.*

Accordingly, even accepting that the Sheriff's failure to send the plaintiffs IDs when they were transferred violated Illinois law, there are no allegations supporting a substantive due process violation. Like in *Kelley-Lomax*, the plaintiffs' claims do not turn on how much time they were afforded to retrieve their items. The plaintiffs only challenge the Sheriff's initial violation of state law as the basis for establishing a violation of the Constitution. (*See* R. 19 ¶¶ 8-9; R. 24 at 7-8.) But again, a violation of state law does not equal a violation of the Constitution. *C.L. for Urb. Believers*, 342 F.3d at 767. Because the plaintiffs' allegations are otherwise indistinguishable from those presented in *Kelley-Lomax*, the plaintiffs have failed to plausibly allege a substantive due process violation.

Finally, the plaintiffs' Fifth Amendment Takings Clause claim is foreclosed by *Conyers*, in which the Seventh Circuit also rejected a Fifth Amendment challenge to a similar prison policy. In *Conyers*, the Seventh Circuit acknowledged that its Fifth Amendment analysis was "to a degree, intertwined with the adequacy of the notice," the plaintiffs had received. 10 F.4th at 712.

Specifically, the plaintiffs had received notice that their property would be destroyed if unclaimed during the thirty-day recovery period. *Id.* This notice "entitle[d] the City to treat as abandoned any property that remain[ed] unclaimed after 30 days [had] gone by." *Id.* Here, too, the plaintiffs have not alleged facts to support an inference that their property was not properly considered as abandoned. Exhibit 1 shows that they were told exactly how to retrieve their property, but did not do so. Accordingly, the plaintiffs have not alleged any facts distinguishing this case from *Conyers*; the plaintiffs' Fifth Amendment claim fails to state a claim for which relief may be granted.

For the foregoing reasons, the defendants' motion to dismiss is granted.

ENTERED:

/s/ Jeremy C. Daniels
United States District Judge

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 24-1025

Alexander Carter, *et al.*,

Plaintiffs-Appellants,

v.

Cook County Sheriff and Cook County, Illinois,

Defendants-Appellees.

[Filed: July 3, 2025]

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

The judgment of the district court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date.

/s/ Christopher G. Conway
Clerk of Court

APPENDIX D

1. U.S. Const. Amend. IV provides:

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.

2. U.S. Const. Amend. V provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

3. U.S. Const. Amend. XIV, Section 1 provides:

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.

4. 42 U.S.C. § 1983 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.

5. 20 ILL. ADMIN CODE § 535.140 provides:

Money or personal property held for a committed person who has separated from the Department by death, discharge, or unauthorized absence and which has not been claimed by the committed person or his legal representative may be disposed of as follows:

a) Unclaimed money held for a period of one year may be transferred to the Inmate Benefit Fund and

be expended for the special benefit of committed persons.

b) Unclaimed clothes held for 30 days may be used or disposed of as determined appropriate by the Chief Administrative Officer.

c) Other unclaimed personal property held for a period of one year may be used for the benefit of committed persons as determined appropriate by the Chief Administrative Officer.

6. 20 ILL. ADMIN CODE § 535.140(d)(4) provides:

4) Personal property of the detainee being transferred to another facility shall be inventoried and items to be transferred with the detainee shall be documented and turned over to the transporting officer in the presence of the detainee. Personal property allowed by the receiving facility shall be transferred with the detainee. Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee, etc.