



Civil Rights Update

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Lewis v. City of Chicago: **False Evidence and the Fourth Amendment**

In *Lewis v. City of Chicago*, 914 F.3d 472 (7th Cir. 2019), the United States Court of Appeals for the Seventh Circuit reversed the Northern District of Illinois District Court's dismissal of the plaintiff's Fourth Amendment claim based on the statute of limitations. The district court understood the statute of limitations for a claim of unlawful detention without probable cause to accrue at the time of a criminal defendant's initial probable cause hearing. The Seventh Circuit reversed the district court's decision, holding that if an individual is detained due to false evidence presented at a probable cause hearing, the limitations period does not accrue until the individual is released from custody.

Background Facts

On September 12, 2013, Chicago police officers searched an apartment where they found Lewis, two other individuals, and a handgun. *Lewis*, 914 F.3d at 475. Lewis, a convicted felon, was arrested for possessing the handgun. *Id.* The following day, a state court judge found that probable cause supported Lewis' arrest and he was held for trial. *Id.* Two weeks later, prosecutors amended the charges and a different judge held a probable cause hearing on the new charges. During the hearing, a police officer testified that the officers found the gun and two documents containing both Lewis' name and the apartment's address. *Id.* The second judge also found probable cause and Lewis was held in the Cook County Jail. He remained in jail for two years until prosecutors dropped the charges against Lewis on September 29, 2015. *Id.*

Ten months later, Lewis sued the City of Chicago and six police officers pursuant to 42 U.S.C. § 1983. Lewis' suit claimed that he was detained based on false evidence in violation of his rights under the Fourth Amendment and the Due Process Clause of the Fourteenth Amendment. The complaint alleged that at the time of his arrest, Lewis neither lived at the apartment nor possessed the weapon found there. *Id.* It further alleged that the police never recovered anything in the apartment linking Lewis to that address, and that police reports and probable cause hearing testimony to the contrary were fabricated. *Id.*

Defendants moved to dismiss Lewis' suit under Federal Rule of Civil Procedure 12(b)(6). *Id.* Granting defendants' motion, the district court dismissed Lewis' 1983 § claims finding them to be time barred under the applicable two-year statute of limitations. *Id.* Lewis appealed.

Discussion

The appellate court analyzed the timeliness and plausibility of Lewis' Fourth Amendment and Due Process claims in light of related United States Supreme Court and Seventh Circuit decisions *Manuel v. City of Joliet*, 137 S. Ct. 911,

915 (2017) (*Manuel I*) and *Manuel v. City of Joliet*, 903 F.3d 667, 670 (7th Cir. 2018) (*Manuel II*), which were issued following the district court's order of dismissal.

The Fourth Amendment protects citizens' rights to be secure in their persons against unreasonable seizures. U.S. Const. amend. IV. A person is considered "seized" whenever an official restrains his freedom of movement such that he is not free to leave. *Brendlin v. California*, 551 U.S. 249, 254-55 (2007). Fourth Amendment seizures are reasonable only if based on probable cause to believe that the individual has committed a crime. *Bailey v. United States*, 568 U.S. 186, 192 (2013).

Lewis argued that he was detained (in effect, seized) in Cook County Jail for two years based on falsified evidence and, thus, he possessed a plausible claim under § 1983 for a deprivation of his Fourth Amendment rights. *Lewis*, 914 F.3d at 476. Prior to the Supreme Court's ruling in *Manuel I*, once a detention by reason of arrest turned into detention by way of arraignment, a Fourth Amendment claim was converted into a due process claim for malicious prosecution. *Llovet v. City of Chicago*, 761 F.3d 759, 763 (7th Cir. 2014). In other words, Seventh Circuit precedent held that the initiation of legal process marked the end of conduct actionable on Fourth Amendment grounds. For statute of limitations purposes, a Fourth Amendment claim could not accrue after the initial judicial probable cause determination highlighted by the trial court in *Lewis*. This view, however, was superseded by the Seventh Circuit's ruling in *Manuel I*. *Lewis*, 914 F.3d at 476.

In the *Manuel* line of cases, the plaintiff was arrested for unlawful possession of narcotics. After a probable cause hearing based on evidence allegedly fabricated by police, the judge found probable cause and Manuel was detained in the county jail pending trial. The prosecutor dismissed the charges 48 days later. *Lewis*, 914 F.3d at 476 (citing *Manuel I*, 137 S. Ct. at 915-16). Manuel sought damages under § 1983 alleging that his detention violated the Fourth Amendment. *Manuel I*, 137 S. Ct. at 916. More particularly, he alleged that his detention was not supported by probable cause because the judge's order holding him for trial was based on untruths. *Id.* The district court dismissed Manuel's claim based on the then-precedent in the Seventh Circuit. *Id.* The Supreme Court reversed, holding that "Manuel stated a Fourth Amendment claim when he sought relief not merely for his (pre-legal-process) arrest, but also for his (post-legal-process) pretrial detention." *Manuel I*, 137 S. Ct. at 919.

The Supreme Court's decision in *Manuel I* was based on a long-established Fourth Amendment doctrine prohibiting public officials from detaining a person in the absence of probable cause. *Lewis*, 914 F.3d at 476. The Court stated that this commonly happens when "police hold someone without any reason before the formal onset of a criminal proceeding"; however, "it can also occur when legal process itself goes wrong—when, for example, a judge's probable-cause determination is predicated solely on a police officer's false statements." *Manuel I*, 137 S. Ct. at 918. The Court held that in the latter instance, "[l]egal process has gone forward, but it has done nothing to satisfy the Fourth Amendment's probable-cause requirement." *Id.* at 918-19. Without such a probable cause determination enabling a valid pretrial detention, a Fourth Amendment claim is not precluded and converted into a malicious prosecution claim predicated on the Fourteenth Amendment's Due Process Clause. *Id.* at 919.

In applying *Manuel I*, citing to *Manuel II*, the *Lewis* court explained a "Fourth Amendment claim for wrongful pretrial detention is concerned with 'the detention rather than the existence of criminal charges.'" *Lewis*, 914 F.3d at 477 (quoting *Manuel II*, 903 F.3d at 670). The Seventh Court found that "Lewis's allegations were materially indistinguishable from Manuel's." *Lewis*, 914 F.3d at 477. Therefore, the court found that Lewis stated a plausible Fourth Amendment claim. *Id.*

The court also found Lewis' Fourth Amendment claim to be timely based upon *Manuel II*. *Lewis*, 914 F.3d at 478. In *Manuel II*, the Seventh Circuit held that a Fourth Amendment claim for wrongful pretrial detention accrues when the unlawful detention ceases. *Id.* (citing *Manuel II*, 903 F.3d at 669). Lewis was arrested on September 12, 2013, but remained in jail until the charges were dropped on September 29, 2015. *Lewis*, 914 F.3d at 475. He filed his § 1983 claim on July 26, 2016, well within the two-year statute of limitations. *Id.* at 478.

The police officer defendants raised the doctrine of qualified immunity as an affirmative defense to Lewis' constitutional claims. *Id.* at 477. The Seventh Circuit examined its potential applicability using its ordinary two-step inquiry: (1) whether the facts alleged by the plaintiff stated a violation of a constitutional right, and (2) if so, whether the right was clearly established at the time of the defendants' alleged misconduct. *Id.* The Seventh Circuit, citing *Franks v. Delaware*, 438 U.S. 154 (1978), found that the act of "falsifying the factual basis for a judicial probable-cause determination violates the Fourth Amendment." *Lewis*, 914 F.3d at 477. Furthermore, Lewis' allegations of false police reports and perjured hearing testimony were such that, if true, "no reasonable officer could have thought this conduct was constitutionally permissible." *Id.*

The Seventh Circuit also addressed Lewis' Fourteenth Amendment Due Process claim. *Id.* The Supreme Court in *Manuel I*, as discussed earlier, held that the initiation of formal legal process following an arrest does not convert a Fourth Amendment unreasonable seizure claim into one founded upon the Due Process Clause. *Id.* at 479 (citing *Manuel I*, 137 S. Ct. at 919). As such, a § 1983 claim for unlawful pretrial detention rests exclusively on the Fourth Amendment, and thus cannot be brought based on the Due Process Clause. *Lewis*, 914 F.3d at 479.

Lewis nevertheless argued that pretrial detention based on fabricated evidence violates rights secured by both the Fourth Amendment and the Due Process Clause. *Lewis*, 914 F.3d at 478. The Seventh Circuit rejected the argument, finding that the "Fourth Amendment, not the Due Process Clause, is the source of the right in a § 1983 claim for unlawful pretrial detention, whether before or after initiation of formal legal process." *Id.* at 479. The court did clarify, however, that a claimant could bring a due process claim in addition to the Fourth Amendment claim if they alleged separate constitutional violations; for example, a Fourth Amendment claim for unlawful pretrial detention and a due process claim for wrongful conviction. *Id.* Lewis' suit was focused exclusively on his pretrial detention. The court thus found that his Fourteenth Amendment due process claim was correctly dismissed by the district court. *Id.* at 480.

Conclusion

The intersection of rights secured by the Fourth Amendment and the Due Process Clause of the Fourteenth Amendment was clarified by the Supreme Court in *Manuel I* and applied by the Seventh Circuit in *Manuel II*. *Manuel I* was decided shortly after the *Lewis* district court dismissed the plaintiff's Fourth Amendment claim as untimely under the two-year statute of limitations. Through its recent opinion, the Seventh Circuit unambiguously declared that the limitations period for a Fourth Amendment unlawful detention claim alleging false evidence supported a probable cause determination does not accrue until the plaintiff is released from custody. Since the alleged Fourth Amendment deprivation was never converted into a Fourteenth Amendment due process claim through a valid determination of probable cause, no Due Process Clause claim may be raised in the absence of an independent basis for such a claim.



About the Authors

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