

Opinions for the week of November 16 – November 20, 2020

USA v. Jeffrey Parker No. 19-3541

Argued November 10, 2020 — Decided November 16, 2020

Case Type: Criminal

Western District of Wisconsin. No. 3:19-cr-00111-jdp-1 — **James D. Peterson**, *Chief Judge*.

Before FRANK H. EASTERBROOK, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

...Parker was charged with committing bank robbery by force, violence, and intimidation in violation of 18 U.S.C. § 2113(a). He pled guilty on October 3, 2019, and agreed to pay restitution for losses relating to the offense. Parker and the government couldn't agree to the amount of restitution, however, so it was left to the district court to determine. ...On December 27, 2019, Parker filed this appeal. The only question on appeal is whether the district court erred by ordering that \$11,312.99 in restitution was due to the credit union while the government still held the \$11,457.00 recovered from Parker upon his arrest. Because Parker did not object to this portion of the district court's order, we review for plain error... We therefore AFFIRM the district court's order of restitution when entered and REMAND with instructions that the district court confer with counsel for Parker and the government and thereafter enter an updated order reflecting that restitution to the credit union has been satisfied.

Raven Fox v. Dakkota Integrated Systems No. 20-2782

Argued October 29, 2020 — Decided November 17, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 19 C 2872 — **Charles P. Kocoras**, *Judge*.

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

SYKES, *Chief Judge*. As its name suggests, the Illinois Biometric Information Privacy Act ("BIPA" or "the Act") protects a person's privacy interests in his biometric identifiers, including fingerprints, retina and iris scans, hand scans, and facial geometry. See 740 ILL.COMP.STAT. 14/1 *et seq.* (2008). Section 15 of the Act comprehensively regulates the collection, use, retention, disclosure, and dissemination of biometric identifiers. Id. § 14/15. ... Raven Fox filed a proposed class action in state court alleging that Dakkota Integrated Systems, her former employer, collected, used, retained, and disclosed her handprint for its timekeeping system. ... Dakkota removed the case to federal court under the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1453, and moved to dismiss the claims as preempted by federal labor law. The district judge read *Bryant* to foreclose Article III standing for section 15(a) claimants, so he remanded that claim to state court and dismissed the others. The remand order was a mistake...Because the section 15(a) claim was properly in federal court, we reverse the remand order and return the case to the district court for consideration of the preemption question.

Charmell Brown v. Alex Jones No. 19-3172

November 17, 2020

Case Type: Prisoner

Central District of Illinois. No. 17-2212 — **Sue E. Meyerscough**, *Judge*.

Before FRANK H. EASTERBROOK, *Circuit Judge*; DANIEL A. MANION, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*.

ORDER

It is ORDERED that the opinion in this case issued October 21, 2020, is amended as follows: In the first line of the first sentence of the first paragraph under "I. BACKGROUND" on page two, strike "three counts" and replace that phrase with "one count". Further, on consideration of the petition for rehearing *en*

banc, no judge in active service has requested a vote on the petition for rehearing *en banc* and all members of the original panel have voted to deny rehearing. It is, therefore, ORDERED that rehearing and rehearing *en banc* are DENIED.

USA v. Kurt Johnson No. 19-2718

Argued September 29, 2020 — Decided November 17, 2020

Case Type: Criminal

Southern District of Illinois. No. 18-cr-40043 — **J. Phil Gilbert**, *Judge*
Before ROVNER, SCUDDER, and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. Kurt Johnson elected to represent himself at trial on federal fraud charges. In Johnson's own telling, he fared at trial "like a bug under a hard-stomping prosecution boot heel"—which is to say he lost. Johnson now appeals his waiver of counsel. He says the district court failed to confirm that his decision to waive counsel was knowing and intelligent. We agree that the district court's colloquy with Johnson was lacking, but we nonetheless uphold Johnson's waiver of counsel. ...We also reject Johnson's challenge to the district court's sentencing explanation. We thus affirm his conviction and sentence.

USA v. Adel Daoud Nos. 19-2174, 19-2185, & 19-2186

Argued September 25, 2020 — Decided November 17, 2020

Case Type: Criminal

Northern District of Illinois, Eastern Division. Nos. 1:12-cr-00723, 1:13-cr-00703 & 1:15-cr-00487 —
Sharon Johnson Coleman, *Judge*.
Before RIPPLE, BRENNAN, and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. Adel Daoud pressed the button to detonate a bomb that would have killed hundreds of innocent people in the name of Islam. Fortunately, the bomb was fake, and the FBI arrested him on the spot. Two months later, while in pretrial custody, Daoud solicited the murder of the FBI agent who supplied the fake bomb. Two and a half years later, while awaiting trial on the first two charges, Daoud tried to stab another inmate to death using makeshift weapons after the inmate drew a picture of the Prophet Muhammad. Daoud eventually entered an Alford plea, and the cases were consolidated for sentencing. The district court sentenced Daoud to a combined total of 16 years' imprisonment for the crimes. The government appeals that sentence on the ground that it was substantively unreasonable. We agree. We vacate the sentence and remand for resentencing.

Orlando Cordia Hall v. T.J. Watson No. 20-3216

Submitted November 17, 2020 — Decided November 18, 2020

Case Type: Prisoner

Southern District of Indiana, Terre Haute Division. No. 2:17-cv-00176-JPH-DLP — **James P. Hanlon**, *Judge*.
Before DIANE S. SYKES, *Chief Judge*; DAVID F. HAMILTON, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

...A federal jury in the Northern District of Texas found Hall guilty on a capital count of kidnapping resulting in death in violation of 18 U.S.C. § 1201(a)(1) and recommended a death sentence pursuant to the Federal Death Penalty Act of 1994, 18 U.S.C. §§ 3591–3598. *Hall*, 152 F.3d at 390. Hall was also convicted of three other crimes: conspiracy to commit kidnapping in violation of 18 U.S.C. § 1201(c); traveling in interstate commerce with intent to commit a narcotics offense, *id.* § 1952; and using or

carrying a firearm during a crime of violence in violation of 18 U.S.C. § 924(c). *Hall*, 152 F.3d at 390...The Fifth Circuit affirmed on direct appeal...Hall next turned to the Southern District of Indiana, where he is confined, seeking relief under 28 U.S.C. § 2241, the general habeas statute, and raising the same *Davis* challenge to his § 924(c) conviction... The district court dismissed the § 2241 petition, ruling that § 2255 is not inadequate or ineffective as a vehicle for Hall's *Davis* argument. The judge also denied his request for a stay of execution. Hall appealed and renewed his motion for a stay of execution. We summarily affirm and deny the stay motion.

Orlando Cordia Hall v. T.J. Watson No. 20-3229

Submitted November 18, 2020 — Decided November 19, 2020

Case Type: Prisoner

Southern District of Indiana, Terre Haute Division. No. 2:20-cv-00599-JPH-DLP — **James P. Hanlon**, *Judge*.

Before DIANE S. SYKES, *Chief Judge*; DAVID F. HAMILTON, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

Orlando Hall's case is again before us, this time on appeal from the district court's order denying his most recent motion for a stay of execution to permit him to pursue a second petition for habeas relief under 28 U.S.C. § 2241. The new § 2241 petition was filed just seven days before his scheduled execution...Briefly, Hall proposes to raise a *Batson* claim and a claim that the federal death penalty is applied in a racially disproportionate manner. Neither claim is cognizable under § 2241...The district court's judgment is AFFIRMED. The motion to stay execution, which Hall renewed in this court, is DENIED.

K.W. v. Pontiac Police Department No. 20-2483

Submitted November 10, 2020 — Decided November 19, 2020

Case Type: Civil

Central District of Illinois. No. 20-CV-1234 — **James E. Shadid**, *Judge*

Before DIANE S. SYKES, *Chief Judge*; JOEL M. FLAUM, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*.

ORDER

K.W., a minor (until November 28 of this year), sued Pontiac, Illinois Police Department for injuries related to an arrest that occurred ten years ago, when he was only seven years old. Noting that he was unrepresented, the district court ordered K.W. to explain why his suit should not be dismissed because as a minor he lacked the capacity to sue. K.W.'s mother sought to sue on his behalf (with his approval), but because she was also unrepresented, the judge denied her motion. Then, K.W.'s motion for the recruitment of counsel was denied because he did not demonstrate efforts to obtain counsel on his own. The judge dismissed the suit without prejudice and entered judgment. K.W. was advised that he could refile with counsel or when he reaches the age of majority. K.W. appeals, but his brief does not comply with Rule 28(a) of the Federal Rules of Appellate Procedure. His submission fails to advance any argument for disturbing the district court's judgment...DISMISSED.

Michael Hughes v. Kim Anderson No. 20-1635

Submitted November 10, 2020 — Decided November 19, 2020

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No. 18 C 6139 — **Virginia M. Kendall**, *Judge*.

Before DIANE S. SYKES, *Chief Judge*; JOEL M. FLAUM, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*.

ORDER

Michael Hughes, a pretrial detainee at the Cook County Jail, sued jail officials for deliberate indifference and proceeded in forma pauperis. *See* 28 U.S.C. § 1915(a). Defendants in another of Hughes's suits (he had at least eight pending) moved to dismiss, arguing that he was depositing his money into other inmates' accounts to avoid paying the filing fees. They relied on recordings of phone calls with his brother where Hughes stated that "this is the way to get around [the fees]." The district court agreed and dismissed Hughes's suits with prejudice, finding a fraud on the court. Because the judge properly considered the recorded jail calls as evidence and permissibly ruled that Hughes's conduct was intentional and egregious, we affirm.

Vincenza Presti v. Chad F. Wolf No. 20-1397

Submitted October 15, 2020 — Decided November 19, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 18 C 1710 — **Virginia M. Kendall**, *Judge*

Before JOEL M. FLAUM, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Vincenza Presti, an immigration officer at the United States Citizenship and Immigration Services, believes that she was demoted and given negative feedback on her job performance based on her Italian descent and in retaliation for complaints she had filed with the Equal Employment Opportunity Commission. She sued the Secretary of Homeland Security under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2. The district court entered summary judgment for the defendant, concluding that no reasonable jury could find that USCIS's employment decisions were discriminatory or retaliatory. We affirm.

USA v. Colet Bruner No. 20-1367

Submitted November 10, 2020 — Decided November 19, 2020

Case Type: Criminal

Southern District of Indiana, Indianapolis Division. No. 1:18CR00387 — **James P. Hanlon**, *Judge*

Before DIANE S. SYKES, *Chief Judge*; JOEL M. FLAUM, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*.

ORDER

Colet Bruner, who was convicted in 2016 of the crime of strangulation, pleaded guilty two years later to possessing a firearm as a felon, 18 U.S.C. § 922(g)(1). He received a sentence of 72 months in prison followed by 3 years of supervised release. Bruner appeals from that sentence, but counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief explains the nature of the case and potential issues an appeal of this kind would be expected to involve. Because his analysis appears thorough and Bruner has not responded to the motion, *see* 7TH CIR.R. 51(b), we limit our review to the issues counsel discusses, *see United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). Counsel advised Bruner of the risks and benefits of challenging his plea, and Bruner stated that he does not wish to do so; counsel's brief therefore properly omitted discussion of the voluntariness of Bruner's plea... We GRANT the motion to withdraw and DISMISS the appeal as frivolous.

USA v. Devin Dawson No. 20-1233

Argued September 23, 2020 — Decided November 19, 2020

Case Type: Criminal

Northern District of Illinois, Eastern Division. No. 1:16-cr-00805 — **Ronald A. Guzman**, *Judge*.
Before HAMILTON, SCUDDER, and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. Devin Dawson violated the conditions of his supervised release after his release from prison. One of Dawson's violations was possessing a loaded, semiautomatic firearm. That violation separately resulted in state criminal charges. The state charges were still pending when the federal district court in this case revoked Dawson's supervised release and imposed a new 24-month prison term. On appeal, Dawson says the district court chose its 24-month sentence—the statutory maximum—to punish him for possessing the firearm, when it should have focused on his breach of the court's trust and left any punishment to the state-court system. He also submits that the court disregarded his mitigation arguments and the relevant sentencing factors, and that the sentence was plainly unreasonable. We see no error and affirm.

Mustafa-El Ajala v. U.W. Hospital and Clinics No. 19-3423

Submitted October 15, 2020 — Decided November 19, 2020

Case Type: Prisoner

Western District of Wisconsin. No. 16-cv-639-bbc — **Barbara B. Crabb**, *Judge*.
Before JOEL M. FLAUM, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Mustafa-El Ajala, a Wisconsin inmate, sued several doctors, alleging that their treatment of his urinary, kidney, and parathyroid conditions violated the Eighth Amendment and state malpractice law. The district court entered summary judgment for the defendants. Because no reasonable juror could conclude that the doctors were negligent or constitutionally deficient in their responses to Ajala's symptoms, we affirm.

Fadeel Shuhaiber v. Illinois Department of Corrections No. 19-3244

Submitted September 17, 2020 — Decided November 19, 2020

Case Type: Prisoner

Northern District of Illinois, Eastern Division. No. 1:18-cv-03289 — **Edmond E. Chang**, *Judge*.
Before HAMILTON, BRENNAN, and SCUDDER, *Circuit Judges*.

SCUDDER, *Circuit Judge*. Fadeel Shuhaiber is confined to a wheelchair. Following the district court's dismissal of claims he brought against the Illinois Department of Corrections under the Americans with Disabilities Act and Rehabilitation Act, Shuhaiber appealed and, based on his impoverished status, sought permission to proceed on appeal without prepaying the requisite filing fee. By the time he filed the appeal, Shuhaiber, a native of the United Arab Emirates, had been transferred to the custody of the Department of Homeland Security for removal from the United States...Doubting that Shuhaiber was still a "prisoner," the district court granted his motion to proceed *in forma pauperis*. We agree and hold, in alignment with all other circuits to have addressed the question, that the appellate filing-fee bar does not apply where, as here, the appellant is being held by immigration authorities and thus no longer is a "prisoner" within the meaning of the PLRA. That conclusion does not lead very far for Shuhaiber, however, as the district court was also right to dismiss his claims, leaving us to affirm.

USA v. Paul Elmer No. 19-2890

Argued September 16, 2020 — Decided November 19, 2020

Case Type: Criminal

Southern District of Indiana, Indianapolis Division. No. 1:17-cr-113 — **James R. Sweeney, II**, *Judge*.
Before EASTERBROOK, MANION, and SCUDDER, *Circuit Judges*.

SCUDDER, *Circuit Judge*. Paul Elmer owned and operated multiple healthcare-related companies including Pharmakon Pharmaceuticals. His pharmacy produced and distributed drugs that Elmer knew were dangerous. Rather than halting manufacturing or recalling past shipments, sales continued and led to the near death of an infant. Federal charges followed for Elmer's actions in preparing and selling drugs that contained more or less of their active ingredient than advertised. A jury returned a guilty verdict on all but one count. Elmer now appeals several of the district court's rulings related to the evidence admitted at trial and his sentence. The evidence before the jury overwhelmingly proved Elmer's guilt. And the district court's imposition of a sentence of 33 months' imprisonment was more than reasonable given the gravity of Elmer's crimes. We therefore affirm.

John Haywood v. Officer Maue No. 19-2805

Submitted November 10, 2020 — Decided November 19, 2020

Case Type: Prisoner

Southern District of Illinois. No. 18-cv-524-SMY-RJD — **Staci M. Yandle**, *Judge*.

Before DIANE S. SYKES, *Chief Judge*; JOEL M. FLAUM, *Circuit Judge*; MICHAEL B. BRENNAN, *Circuit Judge*.

ORDER

John Haywood, an Illinois inmate, appeals the entry of summary judgment against him in his suit for alleged constitutional violations stemming from an altercation with another inmate. Because Haywood did not exhaust his administrative remedies, we affirm.

Epic Systems Corporation v. Tata Consultancy Services Limited Nos. 19-1528 & 19-1613

Argued January 16, 2020 — Decided August 20, 2020 — Amended November 19, 2020

Case Type: Civil

Western District of Wisconsin. No. 14-cv-748 — **William M. Conley**, *Judge*.

Before FLAUM, MANION, and KANNE, *Circuit Judges*.

KANNE, *Circuit Judge*. Without permission from Epic Systems, Tata Consultancy Services ("TCS") downloaded, from 2012 to 2014, thousands of documents containing Epic's confidential information and trade secrets...Ruling on TCS's motions for summary judgment as a matter of law, the district court upheld the \$140 million compensatory award and vacated the \$100 million award. It then reduced the punitive-damages award to \$280 million, reflecting Wisconsin's statutory punitive-damages cap. Both parties appealed different aspects of the district court's ruling...Pursuant to the reasoning set forth above, the judgment of the district court upholding the jury's \$140 million compensatory-damages award connected to the comparative analysis is **AFFIRMED**; and the judgment of the district court vacating the jury's \$100 million compensatory damages award for TCS's use of other information is also **AFFIRMED**. Further, the judgment of the district court awarding \$280 million in punitive damage is **VACATED** as it exceeds the outermost limit of the Due Process guarantee in the Constitution; and, the issue of the amount of punitive damages is **REMANDED** with instruction to the district court to reduce the punitive-damages award consistent with the analysis in this opinion.

USA v. Tequila Gunn No. 20-1959

Argued November 17, 2020 — Decided November 20, 2020

Case Type: Criminal

Central District of Illinois. No. 1:16-cr-10024 — **Joe Billy McDade**, *Judge*.
Before EASTERBROOK, HAMILTON, and ST. EVE, *Circuit Judges*.

EASTERBROOK, *Circuit Judge*. ...[I]n 2018 the First Step Act created a judicial power to grant compassionate release on a prisoner's own request, provided that the prisoner first allowed the Bureau to review the request and make a recommendation (or it let 30 days pass in silence). 18 U.S.C. §3582(c)(1)(A)... Tequila Gunn's sentence for drug and firearm offenses runs through March 2024. She asked a court to order her release under §3582(c)(1)(A) on the ground that, because of her age (62) and medical condition, she faces extra risks should she contract COVID-19. Gunn sought administrative relief but came to court before the Director had replied or 30 days had run. ...The district court denied Gunn's motion, ruling that the subsection's final language—"that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission"—prevents judges from granting compassionate release at the request of a prisoner in Gunn's position. That is so because the Sentencing Commission has not updated its policy statements to implement the First Step Act... Until that happens and §1B1.13 is amended, however, the Guidelines Manual lacks an "applicable" policy statement covering prisoner-initiated applications for compassionate release. District judges must operate under the statutory criteria—"extraordinary and compelling reasons"—subject to deferential appellate review. The district court's decision is vacated, and the case is remanded with instructions to resolve Gunn's motion under the statutory standard.

Xuejun Makhous v. Pam Daye No. 20-1624
Submitted October 27, 2020 — Decided November 20, 2020
Case Type: Civil
Eastern District of Wisconsin. No. 18-C-587 — **William C. Griesbach**, *Judge*.
Before SYKES, *Chief Judge*, and KANNE and ST. EVE, *Circuit Judges*.

KANNE, *Circuit Judge*. This is a case of a disgruntled entrepreneur trying to spin her business difficulties into constitutional claims. But Plaintiff has not succeeded. We therefore affirm the district court's decision granting summary judgment to Defendant.

USA v. Charles St. Clair No. 20-1416
Submitted September 10, 2020 — Decided November 20, 2020
Case Type: Criminal
Northern District of Indiana, Fort Wayne Division. No. 1:15CR25-001 — **Holly A. Brady**, *Judge*
Before MICHAEL S. KANNE, *Circuit Judge*; DAVID F. HAMILTON, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

...[A] month into his second term of supervised release, St. Clair again began violating the conditions of his supervision... At the revocation hearing, St. Clair waived his right to appeal his sentence in exchange for the government's promise to join him in making a non-binding recommendation of 9 months in prison... Despite the joint recommendation, the district court sentenced St. Clair to 15 months in prison with no further supervised release. St. Clair now appeals the sentence, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw under *Anders v. California*, 386 U.S. 738 (1967)... Accordingly, we GRANT counsel's motion to withdraw and DISMISS the appeal.

Trevor Johnson v. Marian University No. 20-1165
Argued September 16, 2020 — Decided November 20, 2020
Case Type: Civil

Eastern District of Wisconsin. No. 2:19-cv-388 — **J.P. Stadmueller**, *Judge*.
Before FRANK H. EASTERBROOK, *Circuit Judge*; DANIEL A. MANION, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

This is a Title IX sex discrimination case. Plaintiff Trevor Johnson, a male student at Marian University, met “Jane Roe” during their freshman year. Johnson and Roe drank at a party one night in September 2017, went back to Roe’s room, and had sex. ...A year later, Roe accused Johnson of taking advantage of her in her inebriated, blackout state. Johnson claimed the sex was consensual. Marian’s Title IX officials, including dean of students Dr. Paul Krikau, investigated Roe’s complaint and found Johnson responsible. Johnson received a two-year suspension from the school. Johnson sued Marian, claiming it discriminated against him because of his sex in concluding he was at fault. The district court granted summary judgment for Marian and Johnson appeals. We review summary judgment de novo, asking whether a genuine dispute exists over any material fact... But the record here leaves nothing for the jury to decide. Dr. Krikau’s interview statements reveal no gender bias. Nor does his personal social media activity cast doubt on his review of Johnson’s case. Johnson is left with general allegations about the school administration’s perceived anti-male culture. That is not enough to create a triable issue on sex discrimination, so we AFFIRM summary judgment for Marian University.

USA v. Antonio Watt No. 19-3416

Submitted November 18, 2020 — Decided November 20, 2020

Case Type: Criminal

Southern District of Indiana, Evansville Division. No. 3:18-CR-0064-001 — **Richard L. Young**, *Judge*.
Before DIANE S. SYKES, *Chief Judge*; MICHAEL S. KANNE, *Circuit Judge*; DIANE P. WOOD, *Circuit Judge*.

ORDER

Antonio Watt pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and he was sentenced to 57 months in prison. Watt appeals his within-guidelines sentence. He argues that because he used the firearm in self-defense, the district court erred in determining that he used it “in connection with another felony offense” and increasing his offense level under U.S.S.G. § 2K2.1(b)(6)(B). But Watt’s plea agreement included a broad appellate waiver. Because there is no merit to his argument that the waiver does not apply to this sentencing challenge, we dismiss the appeal.

Nathson Fields v. City of Chicago Nos. 18-1207, 17-3125, & 17-3079

Argued November 8, 2019 — Decided November 20, 2020

Case Type: Civil

Northern District of Illinois, Eastern Division. No. 1:10-cv-01168 — **Matthew F. Kennelly**, *Judge*.
Before SYKES, *Chief Judge*, and RIPPLE and ROVNER, *Circuit Judges*.
SYKES, *Chief Judge*, dissenting.

ROVNER, *Circuit Judge*. These appeals stem from an action brought in 2010 by Nathson Fields, asserting claims under 42 U.S.C. § 1983 and state law against the City of Chicago and individuals including several Chicago police officers as well as two former Cook County prosecutors. The lawsuit alleged that the defendants violated Fields’s constitutional rights as well as state law in their actions in fabricating evidence and withholding exculpatory evidence in a criminal investigation that resulted in Fields’s conviction for murder. After a retrial that resulted in an acquittal, Fields filed this civil suit, and the jury entered an award in his favor on a number of grounds. Two individual defendants, Chicago Police Detectives David O’Callaghan and Joseph Murphy, and the City of Chicago, now appeal... Our review is a narrow one. Jury verdicts are accorded great respect, and on review we consider whether the evidence presented to the jury was legally sufficient to support the verdict against the City... Accordingly, the

district court did not err in determining that there was a legally sufficient evidentiary basis for a reasonable jury to find for Fields on the issue of *Monell* liability. The decision of the district court is AFFIRMED.

Only the text of the opinions is used. No editorial comment is added. For back issues or to send a comment, please contact [Sonja Simpson](#).