

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIONETTA WHITE,)
Plaintiff,) No. 17-cv-2877
v.) Judge Ellis
CITY OF CHICAGO, *et al.*,) Magistrate Judge McNally
Defendants.)

DEFENDANT KALLATT MOHAMMED'S MOTION FOR SUMMARY JUDGMENT

Defendant Kallatt Mohammed (“Mohammed”), by and through his attorneys, Special Assistant Corporation Counsel Eric S. Palles, Sean M. Sullivan and Lisa Altukhova of Mohan Groble Scolaro, P.C., pursuant to Fed. R. Civ. P. 56, moves the Court for entry of summary judgment in his favor and against Plaintiff Lionetta White (“Plaintiff”) on all claims asserted in Plaintiff’s Complaint. In support of his motion, and pursuant to Fed. R. Civ. P. 10(c), Mohammed relies upon and incorporates: (a) his Memorandum of Law submitted herewith (“Mohammed Memorandum”); (b) the parties’ Joint Local Rule 56.1(A)(2) Statement of Undisputed Material Facts (“JSOF”) (Dkt. No. ____); and (c) Sections III-V of Defendant Officers’ Motion for Summary Judgment (“DOMSJ”) (Dkt. No. ____), which are specifically identified and incorporated in the Mohammed Memorandum. In further support, Mohammed states as follows:

1. Plaintiff has sued alleging civil rights violations against the City of Chicago (“City”) and members of its Police Department, as well as a state law malicious prosecution claim against the City. Complaint, Dkt. No. 1. Lionel White (“White”), the original plaintiff, passed away in February 2023, prior to providing any sworn testimony in this case. See Dkt. 160 at 1; see also JSOF at ¶ 110. His account of the events is set forth in his Complaint (Dkt. 1), his statements

to investigators into misconduct both before (with OPS) and after (with COPA) the filing of this suit (JSOF ¶¶ 115-16, 119-20) and an affidavit he filed in connection with his post-conviction petition. (JSOF ¶¶ 117-1118). Because these accounts are hearsay, there is insufficient admissible evidence to proceed to a jury trial and, consequently, Mohammed is entitled to judgment in his favor.

2. Summary judgment is proper where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *See Fed. R. Civ. P. 56(a)*. Summary judgment should be granted to the moving party who demonstrates that “there is an absence of evidence to support the nonmoving party's case.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986); *see also Modrowski v. Pigatto*, 712 F.3d 1166, 1168 (7th Cir. 2013). Summary judgment requires a non-moving party “to respond to the moving party's properly-supported motion by identifying specific, admissible evidence.” *MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 994 F.3d 869, 876 (7th Cir. 2021), Mohammed is entitled to judgment as a matter of law on all of Plaintiff's claims.

3. Mohammed is entitled to judgment on all claims because there is no admissible evidence that Mohammed was personally involved in White's arrest, detention or prosecution. “Section 1983 creates a cause of action based on personal liability and predicated upon fault; thus, liability does not attach unless the individual defendant caused or participated in a constitutional deprivation.” *Vance v. Peters*, 97 F.3d 987, 991 (7th Cir. 1996); *see also Grieveson v. Anderson*, 538 F.3d 763, 776 (7th Cir. 2008) (“A plaintiff bringing a civil rights action must prove that the defendant personally participated in or caused the unconstitutional actions.”). Indeed, even if White's pretrial statements were admitted and taken to be true, they establish that Mohammed was not present at the time he was apprehended for drug possession. JSOF ¶¶ 116, 120.

4. Mohammed is entitled to judgment on all claims because those claims are barred by White's guilty pleas. "A guilty plea represents a break in the chain of events which has preceded it in the criminal process. When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." *Tollett v. Henderson*, 411 U.S. 258, 267 (1973).

5. Mohammed is entitled to judgment on all claims to the extent that the claims purport to be based upon the Due Process clause of the Fourteenth Amendment because White did not go to trial on the arrest and there can be no Fourteenth Amendment claim for fabrication of evidence without a trial. To prevail on a Fourteenth Amendment Due Process claim based on fabrication of evidence, Plaintiff must establish: (1) the existence of false/suppressed evidence; (2) that was introduced against [White] at his criminal trial, and (3) was "material" to securing his conviction. *Fields v. Wharrie*, 740 F.3d 1107, 1114 (7th Cir. 2014). The very "essence of a due process evidence-fabrication claim is that the accused was convicted and imprisoned based on knowingly falsified evidence" and, thus, evidence not introduced at trial cannot, by definition, form the basis for a fabrication of evidence claim. *See Patrick v. City of Chicago*, 974 F.3d 824, 835 (7th Cir. 2020); *Moran v. Calumet City*, 54 F.4th 483, 499 (7th Cir. 2022) ("Because the evidence we assume was fabricated—the police report and the detectives' pretrial testimony—was not introduced at the trial, it could not have influenced the jury's verdict.").

6. Mohammed is entitled to judgment on Plaintiff's Fourth Amendment claims because those claims are time-barred.. *See DOMSJ*, Section IV, (Dkt. No. ____).

For all of these reasons, as more fully discussed in the Mohammed Memorandum and the Defendant Officers' Motion, and based on the facts set forth in JSOF, Mohammed is entitled to

judgment as a matter of law on all claims. Wherefore, Defendant Kallatt Mohammed moves for summary judgment in his favor with respect to all claims asserted in Plaintiff's Complaint.

Respectfully submitted,

KALLATT MOHAMMED

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CERTIFICATE OF SERVICE

I, Eric S. Palles, an attorney, hereby certify that on March 31, 2025, I caused a true copy of the foregoing document to be served upon all counsel of record through the Court's ECF system.

/s/Eric S. Palles
Eric S. Palles