

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

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|----------------------------------|---|--------------------|
| WILLIAM CARTER, |) | |
| |) | No. 17 C 7241 |
| Plaintiff, |) | |
| v. |) | Hon. LaShonda Hunt |
| |) | |
| CITY OF CHICAGO, <i>et al.</i> , |) | |
| |) | |
| 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 William Carter (“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) Defendant Officers’ Rule 56.1 Statement of Undisputed Facts (“SOF”) (Dkt. No. 195); and (c) certain arguments and authorities contained in Defendant Officers’ Motion for Summary Judgment (“Defendant Officers’ Motion”) (Dkt. No. 194), 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. The case stems from three arrests and subsequent prosecutions, one on March 3, 2004, the second on June 18, 2004, and the third on May 19, 2006. *Id.* at ¶¶ 17-67. While Plaintiff generally claims that he was “framed” for certain drug offenses by

various groupings of Defendant Officers, his Complaint does not set forth counts or specific legal claims; rather, he simply generally claims that “all of the defendants caused plaintiff to be deprived of rights secured by the Fourth and Fourteenth Amendments.” (Complaint, Dkt. No. 1 at ¶ 112). Plaintiff purports to bring a state law claim against the City for malicious prosecution. *See* Complaint, Dkt. No. 1 at ¶ 122.

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). 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 related to the June 18, 2004, and May 19, 2006, arrests because there is no evidence that Mohammed was personally involved in those arrests or any of the alleged misconduct related to those arrests. “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.”).

4. Mohammed is entitled to judgment on all claims related to the March 3, 2004, and June 18, 2004, arrests because those claims are barred by Plaintiff'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). *See* Defendant Officers’ Motion, at 17-30, Dkt. No. 194.

5. Mohammed is entitled to judgment on all claims related to the March 3, 2004, and June 18, 2004, arrests because Plaintiff did not go to trial on those arrests 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 Plaintiff 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.”). *See* Defendant Officers’ Motion, at 30-33, Dkt. No. 194.

6. Mohammed is entitled to judgment on Plaintiff’s undefined Fourth Amendment claims because those claims are legally deficient. *See* Defendant Officers’ Motion, at 33-37, Dkt. No. 194).

7. Mohammed is entitled to judgment on any claim related to the March 3, 2004, and June 18, 2004, arrests because Plaintiff was not detained prior to trial and any detention/sentence relating to those arrests is credited to an intact lawful sentence. Because Plaintiff either spent no time in pretrial detention or had his detention run concurrent with an unrelated intact

conviction/probation violation, Plaintiff cannot proceed on his claims arising from his 2004 arrests. *See Patrick v. City of Chicago*, 81 F.4th 730, 737 (7th Cir. 2023); *Ewell v. Toney*, 853 F.3d 911, 917 (7th Cir. 2017)(“[A] section 1983 plaintiff may not receive damages for time spent in custody, if that time was credited to a valid and lawful sentence.”). *See* Defendant Officers’ Motion, at 37-39, Dkt. No. 194.

8. Mohammed is entitled to judgment to the extent any of Plaintiff’s claims is based on allegedly false testimony because those claims are barred by absolute immunity. *See, e.g., Rehberg v. Palk*, 566 U.S. 356, 369 (2012)(grand jury witnesses are absolutely immune “from any § 1983 claim based on the witness’ testimony” and neither initiate prosecutions nor decide whether to pursue prosecution); *Canen v. Chapman*, 847 F.3d 407, 415 (7th Cir. 2017)(“It is long-established that witnesses enjoy absolute immunity, and we have acknowledged that this protection covers the preparation of testimony as well as its actual delivery in court.”). *See* Defendant Officers’ Motion, at 39-40, Dkt. No. 194.

9. 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 SOF, 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 Plaintiffs’ Complaint.

Respectfully submitted,

KALLATT MOHAMMED

By: /s/ Sean M. Sullivan
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CERTIFICATE OF SERVICE

I, Sean M. Sullivan, an attorney, hereby certify that on December 13, 2024, I caused a true copy of the foregoing document to be served upon all counsel of record through the Court's ECF system.

/s/ Sean M. Sullivan
Sean M. Sullivan