

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

WILLIAM CARTER,	)	
	)	No. 17 C 7241
Plaintiff,	)	
v.	)	Hon. LaShonda Hunt
	)	
CITY OF CHICAGO, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT KALLATT MOHAMMED'S  
MEMORANDUM OF LAW IN SUPPORT OF 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., submits the following Memorandum of Law in support of his Motion for Summary Judgment:

**INTRODUCTION**

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). The only state law claim Plaintiff purports to bring is against the City for malicious prosecution. *See* Complaint, Dkt. No. 1 at ¶ 122.

As the Complaint and the undisputed facts developed during the course of this litigation make clear, Mohammed is named as a party in this case not because of any actions he took in violation of Plaintiff's civil rights but rather because of the notoriety he gained in a widely-publicized scandal many years later when he and Defendant Ronald Watts ("Watts") were indicted and eventually convicted for taking government funds from a federal cooperator posing as a drug courier. Those events lay in the distant future at the time of the subject arrests and have no bearing upon an analysis of Mohammed's conduct in connection with them. A clear-eyed view of the undisputed evidence shows that it is insufficient to sustain a judgment against Mohammed.

Contemporaneous to this filing, the Defendant Officers other than Watts and Mohammed have filed their own Motion for Summary Judgment ("Defendant Officers' Motion") (Dkt. No. 194) supported by the Defendant Officers' Statement of Undisputed Facts ("SOF") (Dkt. No. 195). Mohammed is entitled to judgment as a matter of law on all of Plaintiff's claims – that is, claims arising out of the March 3, 2004, June 18, 2004, and May 19, 2006, arrests – for reasons that are equally applicable to the Defendant Officers. For purposes of efficiency, Mohammed hereby incorporates and adopts the SOF in its entirety, and the applicable arguments and authorities contained in the Defendant Officers' Motion.

#### *Specific Adoption and Incorporation*

Specifically, 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. Mohammed therefore adopts and incorporates Section II, pages 17-30, of the Defendant Officers' Motion. 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. Mohammed therefore adopts and

incorporates Section III, pages 30-33, of the Defendant Officers' Motion. Mohammed is entitled to judgment on Plaintiff's Fourth Amendment claims, whether deemed to be based on pretrial detention, posttrial deprivation of liberty or malicious prosecution, because those claims are untimely, barred by the doctrine of qualified immunity, and precluded by Plaintiff's guilty pleas. Mohammed therefore adopts and incorporates Section IV, pages 33-37, of the Defendant Officers' Motion. 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. Mohammed therefore adopts and incorporates Section V, pages 37-39, of the Defendant Officers' Motion. 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. Mohammed therefore adopts and incorporates Section VI, pages 39-40, of the Defendant Officers' Motion.

Finally, 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. Mohammed writes separately regarding his lack of personal involvement in those arrests because the facts are individualized as to the involvement of each Defendant Officer.<sup>1</sup>

## **LEGAL STANDARD**

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.*

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<sup>1</sup> Mohammed does not argue absence of evidence of personal involvement concerning the March 3, 2004, arrest because the Arrest Report and the Vice Case Report list Mohammed as one of the arresting officers. *See* SOF, ¶¶ 9-10. Nevertheless, Mohammed is entitled to judgment on claims related to the March 3, 2004, arrest on the other grounds described herein.

56(a). In determining whether summary judgment is appropriate, the Court must construe all facts in a light most favorable to the non-moving party and draw all reasonable inferences in that party's favor, *Majors v. Gen. Elec. Co.*, 714 F.3d 527, 532 (7th Cir. 2013), but is not required to "draw every conceivable inference from the record - only those inferences that are reasonable." *Wade v. Collier*, No. 10 C 6876, 2013 U.S. Dist. LEXIS 127263, at \*16-17, 2013 WL 4782028 (N.D. Ill. Sept. 6, 2013), quoting *Bennington v. Caterpillar Inc.*, 275 F.3d 654, 658 (7th Cir. 2001).

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). It is the "put up or shut up" moment in a lawsuit — "when a party must show what evidence it has that would convince a trier of fact to accept its version of events." *See Steen v. Myers*, 486 F.3d 1017, 1022 (7th Cir. 2007); *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986) (the purpose of summary judgment is to "pierce the pleadings and to assess the proof in order to see whether there is a genuine need for trial.").

Additionally, however, "[n]othing in Rule 56 demands an all-or-nothing approach to summary judgment. The rule, in fact, expressly anticipates that a party may seek summary judgment as to a limited portion of its case when it provides that '[a] party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought.' Fed. R. Civ. P. 56(a)." *Hotel 71 Mezz Lender Ltd. liability Co. v. National Retirement Fund.*, 778 F.3d 593, 606 (7th Cir. 2015). A partial summary judgment can serve a useful brush-clearing function even if it does not obviate the need for a trial. *Id.*, citing *Flynn v. Sandahl*, 58 F.3d 283, 288 (7th Cir. 1995). Accordingly, Mohammed directs the Court's

attention to the facts showing his lack of personal involvement in the June 18, 2004, and May 19, 2006, arrests.

## ARGUMENT

Section 1983 creates a cause of action based upon personal liability and predicated upon fault. *Wolf-Lillie v. Sonquist*, 699 F.2d 864, 869 (7th Cir. 1983); *Mitchell v. Kallas*, 895 F.3d 492, 498 (7th Cir. 2018) (defendant must be “personally responsible” for the alleged deprivation of the plaintiff’s constitutional rights.) 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.”). Plaintiff must demonstrate “a causal connection between (1) the sued officials and (2) the alleged misconduct.” *Colbert v. City of Chicago*, 851 F.3d 649 (7th Cir. 2017). To avoid summary judgment, Plaintiff must establish that each and every defendant sued actually participated in committing the alleged misconduct. *Wolf-Lillie*, 699 F.2d at 869; *Eades v. Thompson*, 823 F.2d 1055, 1063 (7th Cir. 1987) (“Each individual defendant can be liable only for what he or she did personally, not for any recklessness on the part of any other defendants, singly or as a group.”).

Mere proximity to alleged misconduct, merely being listed on a police report, showing up on a scene after alleged misconduct has occurred, or otherwise not being linked in any material way to the specific malfeasance at issue are insufficient to create an issue of fact to preclude summary judgment. *Walker v. White*, 2021 WL 1058096, at \*14 (N.D. Ill. 2021)(entering summary judgment for officers responding to scene of police chase in which plaintiff alleged officers detained him and planted drugs because officers were on scene after person was detained, did not

search him, did not author any police reports, did not testify at any proceedings); *see also De Jesus v. Odom*, 578 Fed. Appx. 598 (7th Cir. 2014)(affirming summary judgment in favor of defendant where there was no evidence that the defendant had any role in placing the inmate plaintiff into segregation). In addition, to establish liability on the part of any individual Defendant, Plaintiff must also “prove not only that the evidence was false but that [each officer] ‘manufactured’ it.” *Coleman v. City of Peoria, Illinois*, 925 F.3d 336, 344 (7th Cir. 2019). To clear this “high bar,” Plaintiff must prove that the officers “knew with certainty” that other officers’ accounts of the circumstances of the respective arrests were false. *Id.* Mere evidence that “suggests [the officers] had reason to doubt [fellow officers’] veracity in insufficient.” *Id.* at 345.

Here, there is no evidence that Mohammed was involved in any way with the alleged misconduct in Plaintiff’s June 18, 2004, and May 19, 2006, arrests.

#### ***June 18, 2004 Arrest***

Plaintiff alleges that this arrest was effectuated by Defendants Mohammed, Alvin Jones, Darryl Edwards, Kenneth Young, Jr., John Rodriguez, Gerome Summers, Calvin Ridgell, Jr., and Ronald Watts. Complaint, Dkt. No. 1, at ¶¶ 33-48. Plaintiff refers to this grouping of Defendants as the “June 18, 2004 Arresting Officers.” *Id.* But there is no evidence that Mohammed was present for, witnessed, or even knew about any alleged malfeasance by any police officers. SOF at ¶¶ 29-35. Mohammed’s name does not appear on Plaintiff’s Arrest Report, which lists Defendants Jones and Edwards as arresting officers. SOF at ¶¶ 29-30, 32. Mohammed’s name (along with five other non-arresting officers) is typewritten on the Vice Case Report (that was prepared by Defendant Jones), but there is no reference on the Vice Case Report to him being involved or even present for any of the specific alleged illegal activity of Plaintiff or malfeasance of any officer. *Id.* at ¶¶ 29, 59. There is no evidence that Mohammed completed, contributed to, or was even privy to, the

substance of any paperwork related to the arrest. *Id.* at ¶¶ 56-58. Plaintiff only testified that he saw Mohammed (among others) in the lobby at the time Defendant Jones arrested him. He did not describe Mohammed as participating in his arrest or engaging in any wrongful conduct. *Id.* at ¶¶ 33-35, 55, 63-65. Defendant Jones testified at the preliminary hearing for Plaintiff's June 18, 2004, arrest. Mohammed did not testify during any of the proceedings related to the arrest. *Id.* at ¶ 37. There is no evidence that Mohammed communicated with any prosecutors about this incident, testified in court, or was otherwise involved in any with the prosecution. *Id.* at ¶¶ 32, 56, 61.

The extent of evidence of Mohammed's supposed "involvement" in this arrest is the inclusion of his typewritten name on a single report and Plaintiff's assertion that he was "there at the time" of Plaintiff's arrest.

#### ***May 19, 2006 Arrest***

Plaintiff's claim against Mohammed arising from the May 19, 2006, arrest is a carbon copy of the above. Plaintiff alleges that his May 19, 2006, arrest was effectuated by Defendants Jones, Mohammed, Young, and Smith, who he refers to as the "May 19, 2006 Arresting Officers." SOF at ¶ 86. But there is no evidence that Mohammed was present for, witnessed, or even knew about any alleged malfeasance by any police officers. SOF at ¶¶ 97, 106-107. Plaintiff testified that Defendant Jones detained him inside his apartment and that he did not recall what officer escorted him down the stairs with Defendant Jones. Plaintiff further testified that he observed Mohammed, Defendant Smith, Defendant Young and an officer he calls the "Chinaman" on the first floor. *Id.* at ¶¶ 105-107. Plaintiff confirmed that only Defendant Jones was in his apartment and arrested him, and that all other officers were downstairs. *Id.*

The extent of evidence relating to Mohammed's supposed "involvement" in this arrest is the mere inclusion of his name typewritten on Plaintiff's Vice Case Report and being listed as an

“assisting arresting officer” on Plaintiff’s Arrest Report. *Id.* at ¶¶ 87, 97, 109. There is no reference on either Report to him being involved or even present for any of the specific alleged malfeasance at issue. *Id.* at ¶ 87. Both of those Reports list Defendants Jones and Smith as arresting officers. *Id.* There is no evidence that Mohammed completed any paperwork related to this incident. *Id.* at ¶¶ 87, 95-96. There is no evidence that Mohammed contributed to, or was even privy to, the substance of any paperwork completed by other officers. *Id.* at ¶¶ 96-97, 109. Plaintiff testified that he did not recall who filled out paperwork at the police station. *Id.* at ¶ 109.

Defendant Jones testified at the preliminary hearing and at a motion to suppress hearing, and Defendants Jones and Smith testified at the trial arising from this arrest. *Id.* at ¶¶ 98-104. Mohammed did not testify at any proceeding arising from the May 19, 2006, arrest or otherwise communicate with prosecutors concerning this case. *Id.* at ¶¶ 99, 104.

Again, the entirety of the evidence connecting Mohammed to any wrongful conduct is the suggestion that he “was there at the time” of the June 18, 2003 and May 19, 2006 arrests. That proximity is insufficient to sustain a § 1983 claim against Mohammed because he lacked any personal involvement in the alleged wrongdoing. *See Walker v. White*, at \*14 and cases cited *supra*, at 5-6. “Plaintiffs cannot proceed to trial and ask the jury to merely speculate in the absence of evidence as to whether one of the Defendant Officers was the individual that allegedly injured” him or her. *See Nunez v. Dart*, 2011 WL 5599505, \*3 (N.D. Ill. 2011). This is because summary judgment is “not a dress rehearsal or practice run; it is the put up or shut up moment in a lawsuit, when a party must show what evidence it has that would convince a trier of fact to accept its version of events.” *Steen v. Myers*, 486 F.3d 1017, 1022 (7th Cir. 2007). Here, Plaintiff has no evidence of Mohammed’s personal involvement in the June 18, 2003 and May 19, 2006 arrests.

To the extent not otherwise set forth herein, Mohammed adopts and incorporates Section I, pages 6-17, of the Defendant Officers' Motion.

## CONCLUSION

For the foregoing reasons, Kallatt Mohammed is entitled to summary judgment on all claims asserted in Plaintiff's Complaint.

Respectfully submitted,

/s/ Sean M. Sullivan  
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*Counsel for Defendant Kallatt Mohammed*

**CERTIFICATE OF SERVICE**

I, Sean M. Sullivan, an attorney, certify that I caused a true copy of the foregoing **DEFENDANT KALLATT MOHAMMED'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** to be served upon all counsel of record by the Court's ECF system on December 13, 2024.

/s/ Sean M. Sullivan  
Sean M. Sullivan