

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

Anthony Murdock, *et al.*,

Plaintiffs,

v.

City of Chicago,

Defendant.

Case No. 20-cv-1440

Hon. Gary S. Feinerman

**CITY OF CHICAGO'S MOTION FOR LEAVE TO
SUBMIT SUPPLEMENTAL AUTHORITY**

Defendant, the City of Chicago (“City”), by its undersigned counsel, respectfully moves to submit the District Court’s September 27, 2022 Memorandum Opinion and Order in *Alcorn v. City of Chicago*, Case No. 17 C 5859 (N.D. Ill. Sept. 27, 2022) (Kendall, J.), as supplemental authority in further support of its Motion for Judgment on the Pleadings Pursuant to Federal Rule of Civil Procedure 12(c). (Dkt. 115.) A true and accurate copy of the *Alcorn* decision is attached as **Exhibit A.**

In *Alcorn*, the plaintiff alleged the City violated his Fourth Amendment rights when Chicago Police Department (“CPD”) officers arrested him pursuant to an out-of-county arrest warrant, did not permit him to post bond at the police station, and detained him for approximately 17 hours before transporting him to bond court. Ex. A, *Alcorn* Mem. Op. at 9. The plaintiff was not allowed to post bond because of a CPD Bureau of Patrol Directive (“BOP Order”),¹ which bars individuals who are arrested on out-of-county arrest warrants from posting bond at the police

¹ In the instant case, Plaintiffs challenge CPD’s Special Order S06-12-02, and the BOP Order is not at issue. However, both directives require police officers to present out-of-county warrant arrestees to a judge in bond court consistent with GAO 2015-06.

station. *Id.* at 5-6. CPD issued the BOP Order after Chief Judge Timothy C. Evans promulgated Cook County General Administrative Order No. 2015-06 (“GAO 2015” or “GAO”)—the same GAO at issue in this case, and which was the subject of ongoing briefing in the City’s Rule 12(c) Motion. *Id.* at 6. In accordance with the BOP Order and the GAO, the *Alcorn* plaintiff was required to appear in bond court. *Id.*

In *Alcorn*, Judge Kendall granted the defendants’ motion for summary judgment on the plaintiff’s unlawful pre-trial detention claims under the Fourth Amendment and Section 1983. *Id.* at 22. In so holding, the Court determined the GAO was “a valid, nondiscretionary promulgation of instructions for court procedures of arrest on out-of-county warrants.” *Id.* at 13. Moreover, in dismissing the plaintiff’s Section 1983 *Monell* claim against the City, the District Court rejected the plaintiff’s argument that GAO 2015-06 conflicted with 725 ILCS 5/110-9, which allows peace officers to accept bail from an arrestee when bail was previously set by a judicial officer. *Id.* at 16-18. The District Court determined that even if such a conflict existed, the alleged violation of state law does not concern the Fourth Amendment, and could not support a Section 1983 claim. *Id.* The District Court’s conclusions in *Alcorn* provide further support for dismissing the claims of the *Murdock* Plaintiffs arrested on out-of-county arrest warrants.

For these reasons, the City respectfully requests that the Court grant it leave to submit the *Alcorn* decision as supplemental authority in support of its Motion for Judgment on the Pleadings Pursuant to Federal Rule of Civil Procedure 12(c).

Dated: September 28, 2022

Respectfully submitted,

CITY OF CHICAGO

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