

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

Dennis Jackson, )  
 )  
 Plaintiff, ) No. 22-cv-4337  
 )  
 -vs- ) (Judge Alonso)  
 )  
 City of Chicago, et al. )  
 )  
 Defendants. )

## **PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO SUPPLEMENT**

In response to plaintiff's motion to supplement, defendants ask the Court to ignore the Supreme Court's recent opinion in *Chiaverini v. City of Napoleon*, 144 S. Ct. 1745, 1750 (2024). The Court should decline this invitation.

First, defendants invite (ECF No. 86 at 1-2) the Court to reject the Supreme Court’s definition of a Fourth Amendment malicious prosecution claim as “an arrest and detention of a person based on a criminal charge lacking probable cause.” *Chiaverini*, 144 S. Ct. at 1750. That definition easily fits the facts of this case: plaintiff was arrested and detained because the defendant officers charged him with a drug offense that was based on fabricated evidence.

Second, defendants ask (ECF No. 86 at 2-3) the Court to reject the Supreme Court’s holding that the plaintiff in *Chiaverini* had satisfied the custody requirement for a Fourth Amendment malicious prosecution claim even though the prosecutor never acted on the charges brought by the

arresting officers. *Chiaverini*, 144 S. Ct. at 1751. The relevant language from *Chiaverini* leaves no doubt about this holding:

As noted earlier, a Fourth Amendment malicious-prosecution suit depends not just on an unsupported charge, but on that charge’s causing a seizure—like the arrest and three-day detention here.

*Id.* This language makes plain that “the arrest and three-day detention” in *Chiaverini* constituted the seizure that is required for a Fourth Amendment malicious prosecution claim. *Id.*

Defendants mistakenly contend that *Chiaverini* left this question open by pointing to the Court’s discussion of an issue that may arise in a case with multiple charges, where some charges are valid and some are baseless. The question reserved in *Chiaverini* “of how to determine in those circumstances whether the baseless charge caused the requisite seizure,” 144 S. Ct. at 1748, is not presented in this case. There is no dispute here that plaintiff was charged with a single baseless drug offense.

Respectfully submitted,

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