

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

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

**PLAINTIFF’S MOTION FOR LEAVE TO FILE
ADDITIONAL PERSUASIVE AUTHORITY**

On November 12, 2024, Judge Hunt issued the attached ruling in *Wilson v. Smith*, 22-cv-4413. *Wilson* considered the key issue in this case, whether the plaintiff satisfied the seizure requirement of a fourth amendment claim for malicious prosecution.

Like the plaintiff in this case, the plaintiff in *Wilson* “spent only one night in jail after he was arrested and was released the following day after his bond hearing.” (Attachment at 12.) *Wilson* holds that these facts are sufficient to satisfy the seizure requirement of a fourth amendment claim for malicious prosecution:

Plaintiff has established that he was seized when arrested and detained overnight. A seizure occurs “when [an] officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen.” *Artman v. Gualandri*, No. 20 C 4501, 2021 WL 2254961, at *4 (N.D. Ill. June 3, 2021) (quoting *Terry v. Ohio*, 392 U.S. 1, 19 n.16 (1968)). It is well established that an arrest is a seizure for Fourth Amendment

purposes. *Torres v. Madrid*, 592 U.S. 306, 312 (2021); *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011). Therefore, Plaintiff's Fourth Amendment claim is viable.

(Attachment at 13.)

It is therefore respectfully requested that the Court grant plaintiff leave to file the attached ruling as additional persuasive authority.

Respectfully submitted,

/s/ Joel A. Flaxman
Joel A. Flaxman
ARDC No. 6292818
Kenneth N. Flaxman
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200
Attorneys for Plaintiff