

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

Curtis Lamond Oats, Sr.,)
Plaintiff,) No. 3:22-cv-50113
vs-)
(Judge Johnston)
McHenry County, Illinois, and)
Jason Enos,) (Magistrate Judge Schneider)
Defendants.)

THIRD AMENDED COMPLAINT

Plaintiff, with the agreement of defendants, files this third amended complaint and, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1333 and 28 U.S.C. § 1337.

2. Plaintiff Curtis Lamond Oats, Sr. is a resident of the Northern District of Illinois.

3. Defendant Jason Enos was at all times relevant employed by of defendant McHenry County as an animal control officer.

4. Defendant McHenry County, Illinois is an Illinois Municipal Corporation joined in this action as the potential indemnifier of defendant Enos and as the defendant in plaintiff's supplemental state law claim.

5. On August 18, 2021, defendant Enos, acting under color of his authority as an animal control officer, crossed the curtilage of plaintiff's dwelling and attempted to speak with plaintiff and enter and search plaintiff's dwelling.

6. Plaintiff refused to allow Enos to enter his dwelling.

7. Before leaving plaintiff's dwelling, defendant Enos accessed plaintiff's private mailbox that is not located on the curb, or otherwise easily accessible by the public.

8. Defendant Enos then looked through the mail and saw a piece of mail addressed to a person named Monica Cosby.

9. Defendant Enos recorded the name and address of Ms. Cosby and used that information to prepare a "Written Notice of Ordinance Violation" for failure to provide an animal with vaccination for rabies and for failure to provide an animal with a McHenry County Rabies Registration Tag.

10. The notice of violation was directed to Ms. Cosby.

11. Ms. Cosby did not reside at plaintiff's home and did not own a dog that resided in McHenry County.

12. Defendant Enos taped the notice of violation to the door of plaintiff's dwelling.

13. The above-described conduct by defendant Enos violated plaintiff's rights under the Fourth Amendment of the United State Constitution.

14. Plaintiff was outraged, upset, and distressed when he saw the notice of violation and learned about the Fourth Amendment violation; he subsequently suffered severe emotional distress as the direct and proximate result of that violation.

15. On March 23, 2022, an employee of defendant McHenry County, acting within the scope of employment and as the final decisionmaker for McHenry County, initiated a prosecution in the Circuit Court of the Twenty-Second Judicial Circuit against plaintiff by filing a complaint and causing plaintiff to be served with a summons for an alleged violation of an ordinance of McHenry County.

16. The employee of defendant McHenry County did not have probable cause to initiate the above referred prosecution.

17. The employee of defendant McHenry County initiated the ordinance violation prosecution because plaintiff had complained about the unlawful search of his mailbox and had demonstrated to agents of McHenry County that there was no factual basis to accuse him of having violated any animal control ordinance of the County.

18. The prosecution terminated in plaintiff's favor on June 16, 2022.

19. As the direct and proximate result of the above-described malicious prosecution, plaintiff was required to appear in court and was outraged, upset, and suffered severe emotional distress.

20. The above-described conduct of the employee of defendant McHenry County (a) constitutes the Illinois state law tort of malicious prosecution, for which defendant McHenry County is liable under the doctrine of *respondeat superior* and (b) cause plaintiff to be deprived of rights secured by the First Amendment to the Constitution of the United States.

21. Plaintiff demands trial by jury.

WHEREFORE plaintiff requests that judgment be entered in his favor and against defendants for appropriate damages and that the costs of this action, including reasonable attorneys' fees on his federal claim be taxed against defendant McHenry County.

Respectfully submitted,

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