

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

TARIQ ANDERSON,)	
)	
Plaintiff,)	No. 23 C 14208
)	
v.)	Honorable Rebecca R. Pallmeyer
)	Judge Presiding
HUMBERTO LOZANO,)	
)	
Defendants.)	

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES the Defendant HUMBERTO LOZANO, by and through his attorney KWAME RAOUL, Attorney General of the State of Illinois, and for his Answer to Plaintiff's Complaint state the following:

STATEMENT OF FACTS

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

ANSWER: Defendant admits that Plaintiff brings this lawsuit pursuant to 42 U.S.C. § 1983.

Defendant denies that he violated plaintiff's rights.

2. Plaintiff Tariq Anderson is a resident of the Northern District of Illinois; plaintiff is not currently confined in any jail, prison, or other correctional facility.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2.

3. Defendant Humberto Lozano was at all relevant times acting under color of his authority as a correctional officer employed by the State of Illinois; plaintiff sues Lozano in his individual capacity only.

ANSWER: Defendant admits that Humberto Lozano was at all times acting under the color of his authority as a correctional officer employed by the State of Illinois. Defendant admits that Plaintiff sues Lozano in his individual capacity only.

4. On November 30, 2022, plaintiff was in the custody of the Illinois Department of Corrections at the Northern Reception and Classification Center (“NRC”) in Joliet, Illinois

ANSWER: Admit.

5. On November 30, 2022, while acting color of his office as a correctional officer at the NRC, defendant Lozano willfully, maliciously, and sadistically used unnecessary and unjustified force on plaintiff, injuring plaintiff’s arm and causing plaintiff to receive serious personal injuries.

ANSWER: Deny.

6. After injuring plaintiff, defendant sought to cover-up his wrongdoing by creating a false disciplinary report.

ANSWER: Deny.

7. Prison authorities rejected defendant’s false report, and plaintiff was exonerated of the false claims at a disciplinary hearing.

ANSWER: Defendant denies creating a false report. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 7.

8. As a result of the foregoing, plaintiff was deprived of rights secured by the Eighth Amendment to the constitution of the United States.

ANSWER: Deny.

9. Plaintiff hereby demands trial by jury.

ANSWER: Defendant Admits that Plaintiff demands a trial by jury.

GENERAL DENIAL

Defendant denies each and every allegation not specifically admitted herein.

JURY DEMAND

Defendants demand a trial by jury on all issues herein triable.

AFFIRMATIVE DEFENSES

1. At all times relevant herein, Defendant acted in good faith in the performance of his official duties and without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known. Defendant is therefore protected from suit by the doctrine of qualified immunity.
2. To the extent Plaintiff has failed to adhere to the Illinois Department of Corrections grievance procedures, his claim should be barred for failure to exhaust his administrative remedies prior to the initiation of this cause of action, which serves as a bar to Plaintiff's claims under the Prison Litigation Reform Act (42 U.S.C. § 1997) and *Perez v. Wisconsin Dept. of Corrections*, 182 F. 3ed 532 (7th Cir. 1999).

January 11, 2024

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

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CERTIFICATE OF SERVICE

On January 11, 2024, the undersigned electronically filed the foregoing Answer with the Clerk of the Court for the Northern District of Illinois.

/s/ Manasseh A. Konadu