

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAJUAN KEY,

Plaintiff,

v.

CHRISTINE MASTERTON, et al.,

Defendants.

Case No. 15-cv-9266

Judge John Robert Blakey

**ORDER DISMISSING CASE WITH PREJUDICE**

This Court grants Defendants' motion to dismiss Plaintiff's complaint with prejudice [30]. All dates and deadlines are stricken. Civil case terminated.

Plaintiff DaJuan Key filed a pro se complaint under 42 U.S.C. § 1983 against the Romeoville Police Department and four of its officers, alleging that the officers violated his constitutional rights when they searched his motel room and his car and seized evidence before arresting him. [1]. Several months after Plaintiff filed his civil complaint, he went to trial on the charge stemming from his arrest and a jury convicted him of knowingly transporting a minor in interstate commerce with the intent that the minor engage in prostitution. *United States v. Key*, No. 13-cr-726, 2016 WL 6135666, at \*2 (N.D. Ill. Oct. 21, 2016) (*Key I*). The district judge denied Plaintiff's pre-trial motions to suppress the evidence that the Romeoville police officers recovered; the judge also denied Plaintiff's numerous post-trial motions for acquittal and reconsideration of the denials of his motions to suppress.<sup>1</sup> *Id.* at \*1. On appeal, the Seventh Circuit affirmed the district court's judgment on Plaintiff's motion for acquittal and reconsideration of his motions to suppress. *United States v. Key*, 889 F.3d 910, 911 (7th Cir. 2018) (*Key II*).

Defendants moved to dismiss Plaintiff's complaint, arguing that issue preclusion bars him from relitigating the lawfulness of the seizures and that Defendants merit qualified immunity for their challenged conduct. [31] at 2–15. Plaintiff failed to file any response to Defendants' motion to dismiss. That failure alone justifies dismissing Plaintiff's complaint. *See Kirksey v. R.J. Reynolds Tobacco Co.*, 168 F.3d 1039, 1041 (7th Cir. 1999) (when a Rule 12(b)(6) motion gives "plausible reasons for dismissing a complaint," a court will not "do the plaintiff's research and

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<sup>1</sup> Plaintiff had counsel until he chose to proceed pro se a few months after his trial (and after his appointed counsel filed the first motion for acquittal). *Key I*, 2016 WL 6135666, at \*2.

try to discover whether there might be something to say against the defendant's reasoning"). Given Plaintiff's pro se status, however, this Court briefly addresses the substance of his allegations; the result remains unchanged.

The doctrine of issue preclusion bars a party from relitigating an issue that a court of competent jurisdiction already decided. *Adair v. Sherman*, 230 F.3d 890, 893 (7th Cir. 2000). Issue preclusion requires the following four elements: (1) the same issue presented in a prior action; (2) the issue was actually litigated in that prior action; (3) the determination of the issue proved essential to the final judgment; and (4) the party trying to revive the issue had counsel in the prior action. *Id.* Issue preclusion can bar a § 1983 plaintiff "from relitigating a Fourth Amendment search-and-seizure claim that he lost at a criminal suppression hearing." *Robinson v. Walter*, 21 F. App'x 505, 507 (7th Cir. 2001) (citing *Allen v. McCurry*, 449 U.S. 90, 104–05 (1980)). Here, Plaintiff lost his search-and-seizure claims at suppression hearings before the district court, *Key I*, 2016 WL 6135666, at \*1, and the Seventh Circuit affirmed the district court, *Key II*, 889 F.3d at 911. Thus, issue preclusion bars Plaintiff from relitigating the legality of the seizures. *See Robinson*, 21 F. App'x at 507.

The doctrine of qualified immunity "balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). When a defendant invokes qualified immunity, the burden shifts to the plaintiff to show two things: (1) that the defendant violated a statutory or constitutional right; and (2) that the right was "clearly established" at the time of the challenged conduct. *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011). A court may address the prongs in whichever order it prefers. *Pearson*, 555 U.S. at 236. The defendant merits qualified immunity if the plaintiff fails to meet his burden on either prong. *Green v. Newport*, 868 F.3d 629, 633 (7th Cir. 2017).

Here, Plaintiff fails to meet (or even attempt to meet) his burden of overcoming Defendants' invocation of qualified immunity, which entitles Defendants to qualified immunity on his other claims. *See Green*, 868 F.3d at 633.

Dated: August 14, 2018

ENTERED:

  
John Robert Blakey  
United States District Judge