

UNITED STATES DISTRICT COURT
for the Central District of Illinois

FILED

JUL 31 2019

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

)
)
 Plaintiff,)
)
 v. Andrew White)
)
)
)
 Defendant(s).)
)
Joseph Felchner
Ellen Sweeney
PRO SE CIVIL RIGHTS COMPLAINT
(Non-Prisoner)

Case No. 19-3181

I. JURISDICTION

Subject matter jurisdiction is invoked under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), and/or 42 U.S.C. § 1983. List any additional bases for federal subject matter jurisdiction here:

II. PARTIES**Plaintiff:**

A. Plaintiff, a citizen of Illinois (state), who resides at 1751 North Grand Ave West Lot #101, alleges that his/her civil rights were violated by the individual(s) named below.

Defendant #1:

B. Defendant Ellen Sweeney is employed as a
(a) (Name of First Defendant)
SOS Police investigator
(b) (Position/Title)
 with Illinois Secretary of State Police 421 E. Capital Spf 12, IL 62701
(c) (Employer's Name and Address)

Check one of the following:

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something). Briefly describe this policy or custom: Deceptive practices, Defamation of Character + Police misconduct

Defendant #2:

C. Defendant Joseph Felchner is employed as a

(a) (Name of Second Defendant)

Police officer

(b) (Position/Title)

with Rochester Police Dept. # Community Drive Rochester IL, 62563

(c) (Employer's Name and Address)

Check one of the following:

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something). Briefly describe this policy or custom: False arrest + Police Misconduct

Defendant #3:

D. Defendant _____ is employed as a
(a) (Name of Third Defendant)

(b) (Position/Title)

with _____
(c) (Employer's Name and Address)

Check one of the following:

☐ This defendant **personally participated** in causing my injury, and I want **money damages**. Briefly describe how this defendant participated:

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone to something). Briefly describe this policy or custom:

Additional Defendant(s) (if any):

E. Using the outline set forth above, identify any additional Defendant(s), using additional pages, if necessary.

III. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in federal court? Yes

☐

☒ No

B. If your answer to "A" is YES, describe the lawsuit in the space below. *If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline.*

1. Parties to previous lawsuits:

Plaintiff(s):

Defendant(s):

2. Date of Filing:

3. Case Number:

4. Jurisdiction/Court:

5. Name of Judge:

6. Issues Raised:

7. Disposition of Case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

8. Date of Final Disposition:

IV. STATEMENT OF CLAIM

State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you intend to allege several related claims, you must number and set forth each claim in a separate paragraph.

1. On or about 08-10-2018 (month, day, year), at approximately 1520
☐ a.m. ☒ p.m., plaintiff was present in the municipality (or unincorporated area of)
Rochester, in the County of
Sangamon, in the State of Illinois, at
E. State RT 29 and Leach Road.

where defendant(s) violated plaintiff's civil rights as follows (check each box that applies):

- ☐ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☐ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☐ failed to intervene to protect plaintiff from violation of his/her civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with necessary medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☐ other (please explain): _____

2. Plaintiff was charged with one or more crimes, specifically:

625 ILCS 5/4-103 Possession of a Stolen Vehicle, 625 ILCS 5/3-702

Driving With Revoked Registration, 196281 625 ILCS 5/3-706 Failure to Surrender Revoked Registration, and 196282 625 ILCS 5/3-101 Operating Vehicle with Revoked Title

3. The criminal proceedings (check the box that applies):

- ☐ are still pending.
- ☒ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.
- ☐ resulted in a finding of guilty on one or more of the charges.
- ☐ other: _____

4. Plaintiff further alleges as follows: *Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.*

On 8-3-2018, I Spoke with Defendant Ellen Sweeney by phone about a vehicle, 1995 Mercury Marquis that, was in my name On 7-13-2018. Defendant Ellen Sweeney had Spoken to an ex which owned the vehicle before registration was Switch over into my name.

Defendant Ellen Sweeney wanted to know where was my vehicle When She called my cell phone. I then asked what was her concern and then She began explaining that, my ex had told her that i Stolen the title out of our mailbox and had registration Switch over into my name. I then explain to Defendant that we had broken up and that She was acting out of anger, Defendant Sweeney then told me that She didn't care about my relationship problems that She wanted to know where my car was, I then told her to do her job if She thinks there are evidence that, i Stolen anything to get a arrest warrant and ended the call. On 8-10-2018, the car was Stopped, I and 2 children was along with me. Defendant Joseph Felchner Elselv arrested me. Confined in Sangamon county for 3 days. On 8-13-2018, Defendant Ellen Sweeney was contacted by Rochester Corporal S. Patterson regarding the traffic Stop of Defendant Joseph Felchner, Patterson Stated he had been contacted by ASA Cullen Manning regarding in sufficient evidence to charge me with possession of a Stolen vehicle. END of Report

5. Defendant(s) acted knowingly, intentionally, willfully, and maliciously.

6. As a result of Defendant's conduct, plaintiff was injured as follows:

Loss of income, loss of enjoyment of life with my kids
Pain and Suffering and loss of property

7. Plaintiff asks that this case be tried by a jury. ☒ Yes ☐ No

V. PRAYER FOR RELIEF

Plaintiff requests that the Court grant the following relief:

1. Compensatory Damages in the amount of \$ 500,000.00 to compensate for (check all that apply):

- ☐ bodily harm
- ☒ emotional harm
- ☒ pain and suffering
- ☒ loss of income
- ☒ loss of enjoyment of life
- ☐ property damage

2. Punitive Damages: ☒ Yes ☐ No

3. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Date: 7-31-2018

Signature of Plaintiff: Andrew White

Plaintiff's Name (print clearly or type): Andrew White

Mailing Address: 1751 North Grand Ave. west Lot #101

City: Springfield State: IL Zip: 62702

Plaintiff's Telephone Number: (217) 299-2883