

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

FILED

MAY 13 2021

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

ANDREW WHITE,	)	
Plaintiff,	)	
V.	)	No. 3:19-cv-03181-SEM-TSH
JOSEPH FELCHNER and	)	
ELLEN SWEENEY	)	
Defendants,	)	

**PLAINTIFF'S MEMORANDUM IN OPPOSITION
TO DEFENDANT FELCHNER'S MOTION FOR SUMMARY
JUDGMENT**

Plaintiff, Andrew White, pursuant to Rule 56 of the Federal Rules of Civil Procedure, files this Memorandum of Law in Opposition to Defendant Felchner's Motion for Summary Judgment, as follows:

INTRODUCTION

Plaintiff has filed suit against Defendant, Joseph Felchner, Rochester police officer and Defendant Ellen Sweeney, Secretary of State Investigator alleging a violation of his civil rights by reason of his false arrest.

Defendant Joseph Felchner, knowingly and willfully acted unlawfully with the intent to deprive the plaintiff of his civil rights, and that he knowingly aided and assisted defendant Ellen Sweeney in all her unlawful acts in making the false arrest.

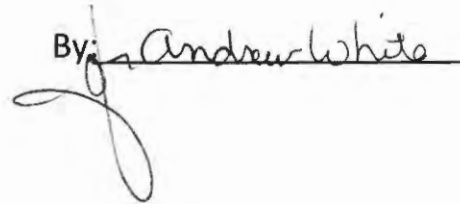
Plaintiff further states that plaintiff's claim is not barred by the privilege of qualified immunity, as defendant Felchner's actions was grossly unreasonable.

Qualified immunity is intended to strike a balance between compensating those who have been injured by official conduct and protecting government's ability to perform its traditional function. *Wyatt v Cole*, 504 U.S. 158, 167 (1992). The qualified immunity doctrine remains faithful to the common law background of Section 1883, which protected societal values by limiting official liability for good faith, reasonable conduct. *Taylor v Riojas, et al*, No. 19-1261, U.S. Supreme Court, June 2020.

WHEREFOR, Plaintiff Andrew White respectfully requests the Court to deny Defendant Joseph Felchner Motion for Summary Judgment.

Respectfully submitted

Andrew White, Plaintiff

By:  Andrew White

Andrew White, Pro Se

1751 North Grand Ave. West, Lot 101

Springfield, IL 62702

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the following persons at the addresses hereinafter shown on May 12, 2021, by:

☒ U.S. Mail, by enclosing the same in an envelope with first class postage fully prepaid, addressed as shown below and depositing same in the United States Post Office in Jacksonville, Illinois.

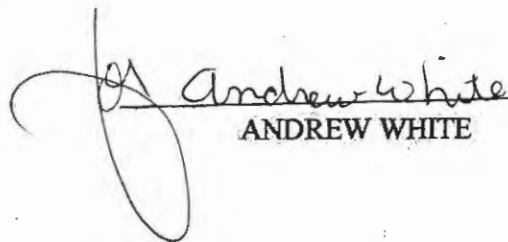
☐ Certified/Return Receipt Requested ☐ FAX - No. ☐

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☐ Federal Express ☐ Other Email

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Andrew White
No. 3:19-CV-03181

U.S. District Court (Clerk)

11:03 AM 05/13/21
STRICT COURT