

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:21-cv-04223

Bowes–Northern v. Phoenix Police Department
Assigned to: Honorable John J. Tharp, Jr
Cause: 42:1983 Civil Rights Act

Date Filed: 08/08/2021
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Shedrick Bowes–Northern**

represented by **Shedrick Bowes–Northern**
1101 Cumberland Crossing Dr.
#202
Valparaiso, IN 46383
(312) 292–1945
Email: shedrickchildren@gmail.com
PRO SE

V.

Defendant**Phoenix Police Department**

Date Filed	#	Docket Text
08/08/2021	<u>1</u>	RECEIVED Complaint by Shedrick Bowes–Northern. (Exhibits) (jh,) (Entered: 08/09/2021)
08/08/2021	<u>2</u>	CIVIL Cover Sheet. (jh,) (Entered: 08/09/2021)
08/08/2021	<u>3</u>	APPLICATION by Plaintiff Shedrick Bowes–Northern for leave to proceed in forma pauperis. (jh,) (Entered: 08/09/2021)
08/10/2021	<u>6</u>	ORDER: Plaintiff's motion to proceed in forma pauperis <u>3</u> is granted and Bowes–Northern is authorized to proceed without payment of the filing fee. However, the complaint is dismissed without prejudice because Bowes–Northern has not pled a basis for federal subject matter jurisdiction. Bowes–Northern alleges that the Village of Phoenix violated Illinois' Freedom of Information Act. Absent diversity of citizenship (which is not pled), this Court does not have original jurisdiction over actions arising under state law; state courts do. Federal district courts have original jurisdiction over civil actions arising under federal law. 28 U.S.C. § 1331. Plaintiff invokes 28 U.S.C. § 1343 and § 1367 for subject matter jurisdiction, but neither provides jurisdiction here. Section 1343 grants district courts jurisdiction over claims arising under 42 U.S.C. §§ 1983 and 1985, but plaintiff has not alleged a deprivation of his federal constitutional rights or a conspiracy to deprive him of his constitutional rightshe has alleged that the Village of Phoenix violated Illinois law. Section 1367 allows the Court to exercise supplemental jurisdiction over state law claims that for part of the same case or controversy as a federal claim but, again, the complaint supplies no federal claim on which supplemental jurisdiction may be based. Plaintiff may file an amended complaint by 9/3/21 that pleads a claim arising under federal law. Failure to do so will result in dismissal of this case without prejudice to Plaintiff's ability to file his claims in state court. Signed by the Honorable John J. Tharp, Jr on 8/10/2021. Mailed notice (jh,) (Entered: 08/10/2021)
08/10/2021		MAILED Order dated 8/10/2021 and a blank Amended Complaint form to the Plaintiff. (jh,) (Entered: 08/10/2021)
08/11/2021	<u>7</u>	DIGITAL EXHIBIT submitted by Shedrick Bowes–Northern For more information, please visit https://www.ilnd.uscourts.gov/ExhibitDrop . If you wish to download a digital exhibit, please send your request to the Certified Copy

		Desk (CCD) inbox at CCD_ILND@ilnd.uscourts.gov. You will be provided with an invoice and charged according to the Fee Schedule. Once your payment has been processed, you will receive a URL via email to download the exhibit. (jmk,) (Entered: 08/11/2021)
08/12/2021	<u>9</u>	AMENDED complaint by Shedrick Bowes–Northern against Phoenix Police Department (gw,) (Entered: 08/12/2021)
08/12/2021	<u>12</u>	EXHIBIT by Plaintiff Shedrick Bowes–Northern (gw,) (Entered: 08/12/2021)
08/16/2021	<u>13</u>	MOTION by Plaintiff Shedrick Bowes–Northern to seal all documents. (ph,) (Entered: 08/16/2021)
09/01/2021	<u>14</u>	MINUTE entry before the Honorable John J. Tharp, Jr:Plaintiff's motion to seal <u>13</u> is granted in part. Plaintiff requests that all documents he has filed be sealed but the Court sees no need to seal every document on the docket. The video exhibits at <u>7</u> and <u>8</u> , however, appear to document domestic disputes and other sensitive situations and the Clerk is therefore directed to seal those exhibits. Moreover, the Plaintiff has filed an Amended Complaint <u>9</u> which presents claims that are completely unrelated to those in his original complaint. The Court deems the claim in the original complaint, that the defendant violated Illinois' Freedom of Information Act, to be abandoned. As for the amended complaint, the court discerns several different claims and dismisses them all pursuant to 28 U.S.C. § 1915(e)(2)(B). First, Bowes–Northern claims that officers with the Phoenix Police Department violated his civil rights in connection with a false accusation in 1999. This § 1983 claim is time–barred. The conduct that allegedly violates § 1983 occurred in 1999 when the plaintiff was 14 years old. Section 1983 claims are subject to a two–year limitations period in Illinois. See CBS Outdoor, Inc. v. Village of Plainfield, Illinois, 959 F. Supp. 1054, 1061 (N.D. Ill. 2013). Even allowing that the statute of limitations would be tolled until the plaintiff attained the age of majority, this action is still time–barred by approximately 15–16 years. Although the statute of limitations is an affirmative defense and dismissal on the pleadings is unusual, "when the existence of a valid affirmative defense is so plain from the face of the complaint that the suit can be regarded as frivolous, the district judge need not wait for an answer before dismissing the suit." Walker v. Thompson, 288 F.3d 1005, 1009 (7th Cir. 2002). Given the length of time that has passed from the alleged false accusation until now, the Court concludes that Bowes–Northern has plead himself out of court with respect to this claim. Second, Bowes–Northern claims that various family members poured water on him, smoked in front of children, and allegedly assaulted him. He also seeks to sue the person who allegedly falsely accused him in 1999. The Court does not have subject matter jurisdiction over these state law tort claims, and plaintiff has not alleged diversity of citizenship. Thus, these claims are dismissed for lack of subject matter jurisdiction. Finally, plaintiff alleges that, when he complained to the Phoenix police about his mother turning off his electricity and his eight–year–old niece abusing him, the police declined to get involved, and their response was therefore racially discriminatory. The Court dismisses this claim as frivolous. All claims having been dismissed; this case is terminated. Mailed notice (air,) (Entered: 09/01/2021)
09/01/2021	<u>15</u>	ENTERED JUDGMENT Signed by the Honorable John J. Tharp, Jr on 9/1/2021. Mailed notice(air,) (Entered: 09/01/2021)