

In the
United States Court of Appeals
For the Seventh Circuit

No. 20-2919

CORTEZ JAVAN ROGERS,

Plaintiff-Appellant,

v.

CITY OF HOBART, INDIANA, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Illinois, Eastern Division.
No. 1:19-cv-04815 — **Andrea R. Wood**, *Judge*.

ARGUED MARCH 2, 2021 — DECIDED MAY 7, 2021

Before RIPPLE, HAMILTON, and KIRSCH, *Circuit Judges*.

RIPPLE, *Circuit Judge*. Hobart police officers, relying on information obtained from an investigative database, misidentified Appellant Cortez Javan Rogers as the person who allegedly had intimidated a witness in a pending murder

case.¹ Mr. Rogers shares a first and last (though not middle) name with another person who was the actual subject of the officers' search.

Based on the information found in an investigative database, the Hobart officers applied for an arrest warrant and, upon obtaining a warrant from an Indiana judge, placed it in a database accessible to police departments in other states. A Chicago police officer later had an encounter with Mr. Rogers and, upon checking the outstanding warrants database, learned of the outstanding Indiana warrant. The officer then arrested Mr. Rogers. Chicago authorities immediately released him upon discovery that the Indiana warrant misidentified the suspect.

Mr. Rogers then brought this action in the United States District Court for the Northern District of Illinois against the City of Hobart, the Hobart Police Department, and Sergeant Rod Gonzalez, its lead investigator. The defendants moved to dismiss for lack of personal jurisdiction. The district court granted the motion.

We now affirm the district court's judgment. The Hobart officers did not purposefully engage in any activity in Illinois or direct any action in Illinois that would cause them to reasonably anticipate that they would be haled into the courts of that State. Moreover, the exercise of personal jurisdiction over them would offend traditional notions of fair play and substantial justice. Simply put, none of the sup-

¹ This case involves a number of different individuals all with the last name Rogers. When we use "Mr. Rogers" throughout this opinion, we are referring to the appellant, Cortez Javan Rogers.

posed Illinois contacts asserted by Mr. Rogers, whether considered separately or together, constitute the requisite “minimum contacts” among the State, the defendants, and the cause of action necessary to fulfill the requirements of due process. Furthermore, to subject Indiana law enforcement officers to the jurisdiction of another state’s courts under these circumstances would be fundamentally unfair.²

I

A.

In 2019, Juarez Rogers, who lived in Illinois, was arrested for a murder in Griffith, Indiana. A confidential informant in that murder investigation later reported to police in nearby Hobart, Indiana, that Juarez Rogers’s sons, one of whom is named Cortez *Juarez* Rogers, were threatening him.

Officers of the Hobart Police Department, led by Sergeant Rod Gonzalez, investigated the allegations in the report. In the course of the investigation, Sergeant Gonzalez, or someone on his investigative team, reviewed information contained in an “investigative database” and found Mr. Rogers’s Illinois State ID photo and associated information.³ Mr. Rogers had provided this personal information to the Illinois Secretary of State and had his photograph taken

² On March 9, 2021, several days after oral argument, we issued an order affirming the judgment of the district court. At that time, we noted that this opinion would follow in due course.

³ R.21 at ¶¶ 51–55. Mr. Rogers does not specify whether Sergeant Gonzalez himself was responsible for finding his photo on the database. But Sergeant Gonzalez was in charge of the investigation.

when he had applied for his State ID card. An Illinois resident, Mr. Rogers had never been to Indiana.

Believing, albeit mistakenly, that Mr. Rogers was the individual about whom the confidential informant had complained, Sergeant Gonzalez obtained a criminal information by attesting that Mr. Rogers “did communicate a threat to another person ... with the intent that the other person be placed in fear of retaliation for a prior lawful act, and that threat was to commit a forcible felony.”⁴ Based on Sergeant Gonzalez’s affidavit and information, a judge of the Superior Court of Lake County, Indiana, issued an arrest warrant for Mr. Rogers on March 25, 2019. The arrest warrant was then listed in a database available to law enforcement officers in Indiana and other states.

On April 2, a Chicago police officer stopped a car in which Mr. Rogers was a passenger. After consulting a database and ascertaining that Mr. Rogers was subject to the outstanding Indiana warrant, the Chicago officer arrested him as a “fugitive from justice.”⁵ A judge of the Circuit Court of Cook County, Illinois, denied Mr. Rogers bail and remanded him to the Cook County Jail pending extradition to Indiana. The following evening, however, the State of Indiana filed a motion to correct the incorrect warrant information with the

⁴ R.28-9 at 2.

⁵ R.28-1 at ¶ 25.

Lake County (Indiana) court. Upon learning of this action, Chicago officers immediately released Mr. Rogers.⁶

On April 10, a captain from the Hobart Police Department attempted to contact Mr. Rogers at his home in Illinois but had to leave a voicemail with a friend. The record does not reveal the purpose of this call.

B.

Mr. Rogers then brought this action in the United States District Court for the Northern District of Illinois. His complaint alleged five causes of action under Illinois tort law: instigation of false imprisonment; false light; invasion of property; instigation of false arrest; and negligent infliction of emotional distress. The complaint alleged that Sergeant Gonzalez had committed the tortious actions and that the City of Hobart and the Hobart Police Department were vicariously liable. Mr. Rogers also alleged that Sergeant Gonzalez had violated his Fourth Amendment right to be free from unreasonable seizures. *See* 42 U.S.C. § 1983.⁷

⁶ On April 2, the Post-Tribune of Northwest Indiana published an article with Mr. Rogers's photo and the headline, "Sons of man charged in Valparaiso teen's murder accused of intimidating informant." R.21 at ¶ 31. The newspaper had obtained Mr. Rogers's Illinois ID card photo from the Hobart Police Department. The Post-Tribune has a large readership in Illinois. The newspaper, however, is not a party to this case. Moreover, the record reveals nothing further about the newspaper's obtaining this material, and Mr. Rogers makes no independent contention justifying jurisdiction over *these defendants* for conduct related to the newspaper.

⁷ The jurisdiction of the district court was predicated on 28 U.S.C. § 1331 and 28 U.S.C. § 1332(a)(1).

The defendants moved to dismiss the action on the ground that the court lacked personal jurisdiction over them because they did not have minimum contacts with Illinois. In response, Mr. Rogers filed a counterstatement of material facts. He emphasized the police officers' use of information that he had submitted to the Illinois Secretary of State and which the defendants had accessed through a third-party investigative database, their knowledge that Mr. Rogers lived in Illinois, and their intention to extradite him from Illinois to Indiana. He also relied on the Hobart police captain's telephone call to his friend in Illinois one week after his release.⁸

The district court granted defendants' motion to dismiss, concluding that the court lacked personal jurisdiction over the defendants.⁹ Relying to a large extent on the Supreme Court's holding in *Walden v. Fiore*, 571 U.S. 277, 289–90 (2014),¹⁰ the court reasoned that the defendants had not pur-

⁸ Mr. Rogers also asked for an evidentiary hearing if the defendants contested his alleged facts. At a later status hearing, Mr. Rogers's counsel stated that no hearing was needed because the defendants did not contest the facts in Mr. Rogers's counterstatement.

⁹ The district court stayed discovery pending its decision on the motion to dismiss. After the motion remained unresolved for nearly one year, Mr. Rogers moved to have the stay lifted to begin merits discovery. The defendants opposed the motion on the ground that the court should resolve first the question of personal jurisdiction. They noted that they would not contest personal jurisdiction if Mr. Rogers moved to transfer the case to the Northern District of Indiana. *See* 28 U.S.C. § 1404(a).

¹⁰ There, the Supreme Court concluded that Nevada courts lacked personal jurisdiction over a Georgia police officer who had wrongfully
(continued ...)

posefully directed their activities into Illinois by obtaining information about Mr. Rogers from an investigative database. Such use of an investigative database, concluded the court, was an insufficient basis to justify that State's exercise of jurisdiction.

Nor, continued the court, was the issuance of an arrest warrant for a forum resident, in itself, sufficient to establish personal jurisdiction. Simply placing a warrant in a nationwide database does not amount to the sort of purposeful availment that subjects a law enforcement officer to the jurisdiction of the state where the subject of the warrant is eventually arrested. It is worth noting, said the court, that the operative complaint makes no allegation that the Indiana defendants took any affirmative steps to solicit specifically the assistance of the Illinois officers. They neither worked with, nor contacted, Illinois authorities seeking specific assistance in securing the arrest of Mr. Rogers. All they did was make the warrant visible to officers in other states, including Illinois.

Finally, the court addressed the telephone call made by a Hobart police captain. The court noted that, although this situation certainly demonstrates that the captain attempted to contact Mr. Rogers in Illinois, the call was insufficient to establish the requisite minimum contacts. There is no showing, said the court, that the call was related to the alleged tor-

(... continued)

seized the plaintiffs' cash in an Atlanta airport just before they boarded a plane to Nevada and who then submitted a false probable cause affidavit in Georgia. *Walden v. Fiore*, 571 U.S. 277, 280–81 (2014).

tious activity surrounding the issuance of the warrant, the arrest, or the incarceration of Mr. Rogers.

II

A.

Mr. Rogers now submits that the district court erred in determining that it lacked specific personal jurisdiction over the defendants. He presents two primary arguments. First, he contends that the defendants purposefully took Mr. Rogers's identifying information from the Illinois Secretary of State when they consulted the investigative database. In his view, the defendants' use of that database amounted to obtaining "property" from the State of Illinois and therefore amounted to availing themselves of the benefits of that state.

Mr. Rogers further maintains that the officers' use of the database to transmit information about the warrant issued for his arrest and the making of a phone call to his friend constitute forum-related activities in Illinois. Relying on *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 n.18 (1985), and *Calder v. Jones*, 465 U.S. 783, 788–89 (1984), he submits that the effects of the defendants' tortious activities were all felt in Illinois. We now examine each of these contentions.

B.

1.

The basic principles that must govern our evaluation of Mr. Rogers's submission to us are well established and do not require that we venture into uncharted doctrinal waters. Although we have set forth these principles recently in *Curry v. Revolution Laboratories, LLC*, 949 F.3d 385, 392–98 (7th Cir.

2020), we pause to set them out again, albeit in summary fashion.

We review de novo the district court's dismissal for want of personal jurisdiction. *Brook v. McCormley*, 873 F.3d 549, 551 (7th Cir. 2017). Once a defendant moves to dismiss under Federal Rule of Civil Procedure 12(b)(2), the plaintiff has the burden of establishing personal jurisdiction. *Curry*, 949 F.3d at 392.¹¹ We must look to Illinois law and to the federal Constitution to determine whether the district court could exercise personal jurisdiction.¹² *Id.* at 393. Because the Illinois long-arm statute extends as far as the Constitution permits, 735 ILCS 5/2-209(c), we need only look to whether exercising personal jurisdiction here would comport with federal due process. *Curry*, 949 F.3d at 393.

Personal jurisdiction may be "general" or "specific." *Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 141 S. Ct. 1017, 1024–25 (2021). Here, Mr. Rogers focuses solely on the latter, so we need not evaluate whether he could show general jurisdiction. *Daimler AG v. Bauman*, 571 U.S. 117, 126 (2014); *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 318 (1945).

¹¹ As we noted in *Curry v. Revolution Laboratories, LLC*, 949 F.3d 385, 392–93 (7th Cir. 2020), the precise nature of that burden depends on whether the district court holds an evidentiary hearing. When the court does not hold an evidentiary hearing, the plaintiff has the burden of making a prima facie case for jurisdiction. Here, Mr. Rogers submitted a "Counter-Statement of Material Facts Pertaining to Jurisdiction." R.28-1.

¹² Mr. Rogers pleads only one federal cause of action based on 42 U.S.C. § 1983. That provision does not provide for nationwide service of process.

The Due Process Clause protects a defendant's liberty interest in "not being subject to the binding judgments of a forum with which he has established no meaningful 'contacts, ties, or relations.'" *Burger King Corp.*, 471 U.S. at 471–72 (quoting *Int'l Shoe*, 326 U.S. at 319). Specific jurisdiction achieves that purpose by requiring "an 'affiliatio[n] between the forum and the underlying controversy,' principally, activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation." *Goodyear Dunlop Tire Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011) (alteration in original) (citation omitted). This concept of "minimum contacts" thus promotes the purpose of the Due Process Clause in two ways. First, it ensures that states, through their courts, do not reach out beyond the limits imposed on them by their status as coequal sovereigns in a federal system. Second, it protects the defendant against the burdens of litigating in a distant or inconvenient forum.

On that first point, the minimum contacts requirement must be seen ultimately as a function of the individual liberty interest preserved by the Due Process Clause. The Clause, said the Court, "is the only source of the personal jurisdiction requirement" and "makes no mention of federalism concerns." *Ins. Corp. of Ireland Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 n.10 (1982). The second function of the minimum contacts approach—and the one upon which most of the Supreme Court's cases focus—is ensuring that maintenance of the suit "does not offend traditional notions of fair play and substantial justice." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292 (1980) (internal quotation marks omitted). Summarizing *World-Wide Volkswagen's* discussion of "fair play and substantial justice," we said in *Curry*:

Relevant factors include the inconvenience to the defendant, the forum State's interest in adjudicating the dispute, the plaintiff's interest in obtaining convenient and effective relief, the interstate judicial system's interest in obtaining the most efficient resolution of controversies, and the shared interest of the several States in furthering fundamental substantive social policies. The Due Process Clause thus provides a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit.

949 F.3d at 396 (quoting *World-Wide Volkswagen*, 444 U.S. at 292, 297) (citations and internal quotation marks omitted).

In recent years, the Supreme Court has emphasized that the relationship among the defendant, the forum, and the litigation must arise out of contacts that the *defendant* has created with the forum state. A person should not be haled into the courts of a state unless he has purposefully availed himself of the protection of the laws of that jurisdiction. The question is not whether the plaintiff experienced a particular injury or effect in the forum state but whether the defendant's conduct connects him with the forum in a meaningful way. *Id.* at 396. That "meaningful way" is identified by allegations or evidence that the defendant has "purposefully directed" his actions at the forum. *Id.* at 397–98.

In sum, specific personal jurisdiction requires that (1) the defendant has purposefully directed his activities at the forum state or purposefully availed himself of the privilege of

conducting business in the state; (2) the alleged injury arises out of or relates to the defendant's forum-related activities; and (3) any exercise of personal jurisdiction must comport with traditional notions of fair play and substantial justice. *Id.* at 398. With these basic principles in mind, we now turn to an examination of Mr. Rogers's specific contentions in this appeal.¹³

2.

Mr. Rogers must demonstrate that his claims arise out of Sergeant Gonzalez's contacts with Illinois and that those contacts are constitutionally sufficient. *uBID, Inc. v. GoDaddy Group, Inc.*, 623 F.3d 421, 425 (7th Cir. 2010); *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 n.8 (1984). As the Supreme Court explained in *Walden*, 571 U.S. at 284–85, a defendant's relationship to the forum state "must arise out of contacts that the 'defendant *himself*' creates with the forum State" and that the relationship must be "with the forum State itself" and not merely with "persons who reside there." "[T]he plaintiff," the Court explained, "cannot be the only link between the defendant and the forum." *Id.* at 285; see also *Advanced Tactical Ordnance Sys., LLC v. Real Action Paintball, Inc.*, 751 F.3d 796, 802 (7th Cir. 2014).

¹³ Because the City of Hobart can be liable only vicariously, if at all, we focus on Sergeant Gonzalez's contacts with Illinois in assessing whether this suit can go forward. Further, as the City of Hobart has pointed out, the Hobart Police Department is not an independently suable entity but rather a part of the municipality itself. See *Sow v. Fortville Police Dep't*, 636 F.3d 293, 300 (7th Cir. 2011).

Mr. Rogers submits that Sergeant Gonzalez had the requisite minimum contacts with Illinois for two reasons. First, because the information Sergeant Gonzalez procured from a database was information that Mr. Rogers had given to the Illinois Secretary of State (and that had become, in his view, the property of Illinois). Second, because Sergeant Gonzalez had obtained an arrest warrant for an individual living in Illinois. By placing the warrant information on an interstate database, moreover, Sergeant Gonzalez manifested an intent that authorities in Illinois effect an arrest. Mr. Rogers attempts to strengthen these arguments by pointing out that *Calder v. Jones*, 465 U.S. at 783, sanctions the invocation of specific personal jurisdiction when the plaintiff suffers the effect of a tortious act committed outside the forum.

These arguments suffer from a fundamental flaw. According to the allegations in this case, the defendants simply did not undertake any affirmative action in Illinois, or any action purposefully designed to have an effect within Illinois. All of Sergeant Gonzalez's actions—consulting an investigative database, procuring a warrant, and placing that warrant on a database available to police authorities throughout the Nation—took place in Indiana, not Illinois. Nor were any of those actions specifically aimed at Illinois. The record is devoid of any assertion that the defendants took any affirmative action specifically aimed at Illinois in their efforts to arrest Mr. Rogers.¹⁴

¹⁴ While this case was under advisement, the Supreme Court decided *Ford Motor Company v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017 (2021). That decision does not alter the governing principle in this case. Indeed, it supports it. *Ford* presented two consolidated products
(continued ...)

Finally, as we have noted earlier, the Due Process Clause forbids a situation that would violate “traditional notions of fair play and substantial justice.” *Felland v. Clifton*, 682 F.3d 665, 677 (7th Cir. 2012) (citing *Int’l Shoe*, 326 U.S. at 316). Among the factors pertinent to this inquiry are “principles of interstate federalism.” *Ford. Motor Co.*, 141 S. Ct. at 1030 (internal quotation marks omitted). To require a municipality and a municipal police officer to defend the use of databases employed in the normal course of their work in any jurisdiction where the fugitive decides to travel would certainly impair “the shared interest of the several States in furthering

(... continued)

liability actions arising out of accidents involving Ford vehicles. Ford maintained that the plaintiffs, both of whom had been injured while driving in their home states, could not sue the company in those states because the company initially had sold those cars out of state and the plaintiffs had obtained the cars by resale. *Id.* at 1023.

In rejecting Ford’s theory of personal jurisdiction, the Court noted that Ford “enjoys the benefits and protection of [the forum states’] laws,” *id.* at 1029 (quoting *Int’l Shoe*, 326 U.S. at 319), and that consideration created “reciprocal obligations.” Ford’s reliance on *Walden*, said the Court, was misplaced. Indeed, wrote the Court, “*Walden* has precious little to do with the cases before us.” *Id.* at 1030. Here, by contrast, the mere act of accessing a database available in his own police station and entering into another database a warrant approved by a local judicial officer does not constitute the development of a reciprocal obligation, or expectation, to answer for the correctness of that warrant in every state to which the fugitive may decide to travel.

In this case, we need not decide whether, or under what circumstances, the same result would obtain if there were specific allegations that the defendants had affirmatively requested the assistance of officers located within the forum state.

fundamental substantive social policies” in law enforcement. *World-Wide Volkswagen*, 444 U.S. at 292.¹⁵

¹⁵ Many other courts have reached similar conclusions about law enforcement officers who, like Sergeant Gonzalez, simply initiated investigations or posted warrants that were ultimately executed in the forum states. In *Jackson v. Village of Grayslake*, the district court concluded that personal jurisdiction did not exist over the defendant, a Wisconsin assistant district attorney, who received evidence from police that had been obtained in Illinois. No. 15-cv-2661, 2016 WL 4418231, at *7 (N.D. Ill. Aug. 16, 2016). The court concluded that this contact was too tenuous for specific personal jurisdiction and further concluded that forcing the assistant district attorney to be a defendant in Illinois litigation for conduct she undertook in Wisconsin while trying to enforce Wisconsin law “would ‘offend traditional notions of fair play and substantial justice.’” *Id.* at *6 (quoting *Int’l Shoe*, 326 U.S. at 316).

Similarly, in *Poteat v. Gibson*, No. 17-cv-1903, 2018 WL 6413300 (D. Md. Dec. 6, 2018), which dealt with nearly identical facts to those we encounter here, the district court determined that personal jurisdiction was lacking because the defendant detective did not “mak[e] inquiries to Maryland law enforcement officials about the warrant or tak[e] other steps to execute the warrant there.” *Id.* at *3; see also *Doe v. Del. State Police*, 939 F. Supp. 2d 313, 333–34 (S.D.N.Y. 2013) (posting a warrant, without more, did not create personal jurisdiction); *Hicks v. Assistant Att’y Gen. of Colo.*, No. 08-cv-0362, 2010 WL 5067611, at *5 (W.D. Mo. Dec. 6, 2010) (posting a warrant and talking to forum-state law enforcement officers did not create personal jurisdiction); *Snyder v. Snyder*, No. 06-cv-3072, 2007 WL 894415, at *4 (D. Minn. Mar. 21, 2007) (posting a warrant and transferring information by fax to forum state did not create personal jurisdiction); *Cook v. Holzberger*, 788 F. Supp. 347, 351 (S.D. Ohio 1992) (holding that “simply accessing the information available through the [National Crime Information Center] system is insufficient to constitute ‘purposeful availment,’” and noting that to hold otherwise “would subject law enforcement officers to personal jurisdiction in every state”).

Sergeant Gonzalez had no meaningful contacts with Illinois. In the course of his duties in Indiana, he simply accessed a database available to him to determine fairly basic biographical information about Mr. Rogers. After obtaining a warrant from an Indiana judicial officer, he simply entered the existence of that warrant in another database. Neither Sergeant Gonzalez nor the City of Hobart have the requisite minimum contacts with Illinois to sustain specific personal jurisdiction over them.

Conclusion

For the foregoing reasons, we affirm the judgment of the district court. The defendants may recover their costs in this court.

AFFIRMED