

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 24, 2024*
Decided June 25, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1555

DEBORAH BRUMIT and ANDREW SIMPSON,
Plaintiffs-Appellants,

v.

CITY OF GRANITE CITY, ILLINOIS,
Defendant-Appellee.

Appeal from the United States
District Court for the Southern
District of Illinois.

No. 19-CV-1090-SMY

Staci M. Yandle,
Judge.

ORDER

Last year we held that this case is moot and remanded to the district court with instructions to dismiss. 72 F.4th 735 (7th Cir. 2023). The district court complied with our mandate. Nonetheless, plaintiffs have filed another appeal to contend that they are entitled to continue the suit.

When the case was briefed and argued last year, plaintiffs maintained that the prospect of nominal damages made the suit justiciable. That subject was addressed in

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). We have unanimously agreed to decide this case without argument because the brief and record adequately present the facts and legal arguments, and argument would not significantly aid the court. See Fed. R. App. P. 34(a)(2)(C).

the briefs, in post-argument supplemental memoranda, and in our opinion. We held that, because the defendant's orders did not lead to a completed constitutional violation before plaintiffs voluntarily left Granite City, nominal damages are unavailable.

Back in the district court, plaintiffs proposed to amend their complaint to request \$19 in compensatory damages. The district judge said no, for two reasons: first, we had ordered the district court to dismiss the suit; second, a proposal to amend the complaint four years into the litigation is untimely.

Both of the district court's reasons are sound. This case was fully briefed on appeal in 2023, and we held that it is no longer justiciable. A district court cannot countermand that decision. If plaintiffs suffered a financial loss, they could and should have argued that on their first appeal. Complaints do not need to allege damages (with the exception of special damages, Fed. R. Civ. P. 9(g), a matter not at issue here), and litigants receive the relief to which they are entitled no matter what the pleadings ask for. Fed. R. Civ. P. 54(c). If plaintiffs suffered actual injury, they could have told us a year ago. They did not and instead relied entirely on the possibility of nominal damages. It is far too late to request compensatory damages.

AFFIRMED