

NONPRECEDENTIAL DISPOSITION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 May 19, 2025*

Decided May 19, 2025

Before

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-2057

CURTIS K. JACKSON, SR.,
Plaintiff-Appellant,

v.

CHICAGO HOUSING AUTHORITY,
et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 1:21-cv-03313

Jeremy C. Daniel,
Judge.

ORDER

Curtis Jackson sued the Chicago Housing Authority and other persons and entities, alleging violations of his constitutional and statutory rights in connection with his use of the Authority's voucher program to secure an apartment. The district judge dismissed Jackson's claims against most defendants but entered default judgment

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

against the entity that operates the apartment complex. Because Jackson did not state a claim against the Authority or its employees, and he does not demonstrate an abuse of discretion with respect to the other rulings he challenges on appeal, we affirm.

We recite the factual allegations in the second amended complaint and assume them to be true. *See O'Brien v. Village of Lincolnshire*, 955 F.3d 616, 621 (7th Cir. 2020). As a qualified person with disabilities, Jackson received a Project-Based Voucher from the Authority and visited an apartment complex, Lake Street Studios, to view available units. Thereafter, a Lake Street employee pressured Jackson to move in earlier than he anticipated or risk losing the unit, and the unit he was assigned was filthy and in disrepair. After moving in, Jackson was deprived of access to programs and services at Lake Street, including the laundry room and an accessible parking space.

Jackson contacted Cary Steinbuck, the Authority's Deputy Chief Housing Voucher Officer, to inform her about purportedly discriminatory activity at Lake Street. A representative suggested that Jackson request a housing transfer through the Housing Choice Voucher program, and so he did. But Cheryl Burns, another Authority administrator, contacted him to instruct him to re-submit the request. Jackson alleges that, during this process, Burns and Steinbuck acted in a "conspiratorial manner" to allow or ratify the "illegal actions" of a Lake Street employee.

Jackson sued the Authority and certain employees, plus Lake Street Studios Limited Partnership (the developer and operator of the apartment building) and three unnamed Lake Street employees.¹ He alleged that their actions violated his rights under the Constitution, *see* 42 U.S.C. § 1983, the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131–12213, and the Fair Housing Act (FHA), 42 U.S.C. §§ 3604(f), 3617.

Along with his complaint, Jackson moved for recruitment of counsel. The district judge held a hearing on the motion and, in a minute order, denied it without prejudice—for reasons presumably explained at the hearing. Less than two weeks later, Jackson filed another recruitment request, which the judge denied, stating that Jackson "appear[ed] to be competent to litigate his own case."

¹ Jackson also sued Harley Ellis Devereaux—the architecture firm that designed Lake Street—and its Chicago-area principal, Susan King. The district judge dismissed both defendants from the case. Jackson does not challenge this ruling on appeal, and so we do not discuss it further.

The Authority defendants moved to dismiss, contending that Jackson failed to state a claim. The judge granted the motion to dismiss with prejudice, concluding that Jackson had failed to allege that the Authority employees were personally involved in a violation of his constitutional rights and that he also did not allege a possible basis of liability for the Authority itself.

Thereafter, Jackson filed an emergency motion for a temporary restraining order to compel the property manager of Lake Street to give the Authority's Inspections Office access to his apartment for inspection. The judge denied the motion as moot, stating that Jackson had since made representations that the emergency had passed.

Jackson also moved for default judgment against Lake Street Studios Limited Partnership because it had not answered or otherwise responded to the complaint. The judge granted Jackson's motion and entered judgment for him in the amount of \$10,000.² Jackson then filed a notice of appeal.

On appeal, Jackson first argues that the district judge erred by depriving him of a meaningful opportunity to respond to the Authority defendants' motion to dismiss. He contends that he did not timely receive a copy of the motion and thus had only 25 days to respond. But the Federal Rules of Civil Procedure do not fix a timeline for responses to a motion to dismiss, *see* FED. R. CIV. P. 12(a); nor do the Local Rules of the Northern District of Illinois, *see* N.D. ILL. R. 5.3. The judge's standing orders provide that, if a motion requires briefing, the nonmoving party will receive 28 days to file a response brief. Here, Jackson received more than that: in an order three days after the Authority defendants moved to dismiss, the judge gave Jackson 30 more days to respond. And even if Jackson received the motion late—a fact he did not bring to the judge's attention until his response brief—he was not prejudiced by the schedule. He never requested an extension of time, and he submitted his brief five days before the scheduled 30-day deadline. *Cf. Roberts & Schaefer Co. v. Dir., Off. Workers' Comp. Programs*, 400 F.3d 992, 998 (7th Cir. 2005) (no due process violation where defendant had a "sufficient opportunity to defend against" plaintiff's claim despite assertion that "earlier notification might have enabled [defendant] to develop the case more fully").

² The district judge dismissed Jackson's claims against the unnamed Lake Street employees, stating that Jackson had been given leave to amend his complaint to add their true names but that he had failed to do so. We do not address that ruling because Jackson does not contest it on appeal.

Next, Jackson contends that the district judge erred in dismissing his claims against the Authority defendants because the judge misapprehended the allegations in his complaint. We review the dismissal de novo. *See O'Brien*, 955 F.3d at 621.

Jackson failed to state a constitutional claim against the Authority defendants. To plead a claim under § 1983 against the Authority employees in their individual capacities, Jackson had to allege that each had personal involvement in violating his constitutional rights. *See Williams v. Shah*, 927 F.3d 476, 482 (7th Cir. 2019). But Jackson only alleges broadly that employees of Lake Street engaged in unlawful activities and that he informed the Authority employees that such activities were taking place. The Authority employees in turn advised him how to seek a transfer of housing. These allegations are insufficient to plausibly plead that the Authority employees “caus[ed]” the purported violation or that “it occurred with [their] knowledge or consent.” *Chavez v. Ill. State Police*, 251 F.3d 612, 652 (7th Cir. 2001). And although Jackson asserts that Steinbuck and Burns acted in a “conspiratorial manner” to permit illegal actions at Lake Street, he does not specify any such actions they allowed to stand. These vague and conclusory allegations are insufficient to state a § 1983 claim against Steinbuck or Burns individually. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Moreover, to state a claim against the Authority (or its employees in their official capacities) Jackson had to point to a policy, custom, or practice of the Authority’s that caused the violation of his constitutional rights by its staff. *See Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 690–91 (1978). But Jackson does not link the discrimination he alleges to an express or de facto policy of the Authority. He therefore fails to plead a *Monell* claim.

Jackson’s ADA and FHA claims fare no better. His ADA claim cannot stand because, assuming that he is a qualified person with disabilities, he does not allege any facts that could permit a reasonable inference that the Authority defendants discriminated against him because of his disability. *See Stanek v. St. Charles Cmty. Unit Sch. Dist. No. 303*, 783 F.3d 634, 641 (7th Cir. 2015) (citing 42 U.S.C. § 12132). The fact of his disability alone does not support a plausible causal connection. *See id.* And his FHA claim also fails because he provides no allegations that the Authority and its employees denied him a housing accommodation or otherwise interfered with his right to buy, sell, rent, or enjoy property, let alone that they acted with discriminatory intent. *See Valencia v. City of Springfield*, 883 F.3d 959, 966–67 (7th Cir. 2018); *East-Miller v. Lake Cnty. Highway Dep’t*, 421 F.3d 558, 562 (7th Cir. 2005); 42 U.S.C. §§ 3604(f), 3617.

Lastly, Jackson challenges the district judge's denial of his motions for recruitment of counsel and for a temporary restraining order, but his failure to include relevant transcripts in the record precludes our review. *See LaFollette v. Savage*, 63 F.3d 540, 544–45 (7th Cir. 1995). Rule 10(b)(2) of the Federal Rules of Appellate Procedure provides that “[i]f the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion.” Jackson represents that the judge explained that the recruitment request would be denied because Jackson was “smart” and the court “didn’t have the money” to recruit counsel. Moreover, Jackson reports that the judge assessed the merits of his motion for a temporary restraining order in a hearing, and the judge—in the minute order denying the motion—stated that Jackson had made representations in the record (presumably at the hearing) that the emergency had passed. But without a transcript of these hearings, we cannot verify the truth of Jackson’s assertions or review the reasoning of the district judge. *See LaFollette*, 63 F.3d at 544–45.

We considered notifying Jackson that he needed to provide the transcripts, and that, under certain circumstances, he could obtain them at court expense. *See* FED. R. APP. P. 10(e)(2). But we have decided that this step is unnecessary. Jackson was on notice that ordering the transcripts was necessary to his appeal: the clerk informed him of this obligation when he appealed, we issued a Transcript Information Sheet, and we granted three extensions to file it before he finally submitted notice that he chose not to order any transcripts. We need not afford him another opportunity to comply with the rules. *See Morisch v. United States*, 653 F.3d 522, 530 (7th Cir. 2011).

A final note: because the Rule 58(a) judgment order reflects only the default judgment against Lake Street Studios Limited Partnership, and not the disposition of the case against the defendants who had successfully moved to dismiss, it would be prudent for the district judge to enter an amended judgment order that clarifies that the case is resolved with respect to all defendants. *See Johnson v. Acevedo*, 572 F.3d 398, 400 (7th Cir. 2009).

AFFIRMED