NONPRECEDENTIAL DISPOSITION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

Argued November 18, 2025
Decided January 7, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1018

MALCOLM J. BROGSDALE,
Plaintiff-Appellant,

v.

ANNETTE TORRES-CORONA and PATRICIA SALINAS,
Defendants-Appellees.

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

No. 23 C 10105

Sara L. Ellis,
Judge.

O R D E R

After his state battery charge was dropped, Malcolm Brogsdale sued police officers Annette Torres-Corona and Patricia Salinas for false arrest. *See* 42 U.S.C. § 1983. He alleged that they lacked probable cause because they knew he used force only in self-defense: Responding to a 911 call, they saw a man trying aggressively to enter Brogsdale's apartment, and when they failed to stop that entry, Brogsdale acted. The district court dismissed the complaint for failure to state a claim: Brogsdale did not allege details making it plausible that self-defense was conclusively established in the eyes of the officers and negated probable cause. We affirm.

I

We take Brogsdale's allegations as true and draw all reasonable inferences in his favor. *Roldan v. Stroud*, 52 F.4th 335, 339 (7th Cir. 2022). In September 2021, Brogsdale, an off-duty Chicago police officer, was at his apartment with his girlfriend when he heard Billy Reynolds banging on his front door in the middle of the night. Reynolds persisted, damaging the door, frame, and doorknob. Brogsdale's girlfriend called 911 and reported Reynolds's conduct. She also told the operator that Brogsdale was in the apartment and was himself an off-duty police officer. While they waited for police to respond, Reynolds continued to bang and kick the front door. At one point Reynolds also circled around to Brogsdale's back door and repeatedly slammed into it.

When Officers Torres-Corona and Salinas arrived, about 45 minutes after the call, Brogsdale identified himself as a fellow officer and said he would "buzz them in." The officers saw Brogsdale's damaged door and heard Reynolds threaten Brogsdale. Reynolds tried to enter Brogsdale's apartment and passed one officer as he did so while the other officer did not try to stop Reynolds. The officers did not try to take control of Reynolds beyond verbal commands to stop advancing and did not determine whether Reynolds was armed. Reynolds, who appeared "irate and intoxicated," repeatedly ignored the officers' commands, behaving erratically. Brogsdale, according to the complaint, "prevented Reynolds from harming himself or anyone else by placing his hands on him." The officers arrested Brogsdale for battery under 720 ILCS 5/12-3(a)(2). They also arrested Reynolds, who was charged with criminal damage to property. Beyond that, the timing, positions, and movements of the actors are unspecified.

After Brogsdale's state battery charge was dismissed for reasons unstated in his federal complaint, he filed suit against Torres-Corona and Salinas. After some motion practice, the district court observed that Brogsdale did not allege details that would have required the officers to conclude that the elements of self-defense were satisfied. Still, the court granted leave to file an amended complaint if Brogsdale could address that concern.

Brogsdale's next complaint (at issue here) alleged that the officers lacked probable cause because they knew he acted in defense of himself and his girlfriend when he "placed his hands" on Reynolds. The officers saw Brogsdale's damaged door, heard Reynolds threaten Brogsdale, watched Reynolds repeatedly and erratically defy their orders not to advance toward Brogsdale, and saw Reynolds "pass[] by" an officer as he tried to enter Brogsdale's apartment. Again, though, some details went unstated: where the other officer stood, whether Brogsdale left the apartment or moved past an

officer when he contacted Reynolds, whether and how quickly Reynolds was approaching Brogsdale, how long Brogsdale hesitated before acting, and the nature of the force Brogsdale used.

The officers moved to dismiss, contending that Brogsdale failed to state a claim because, by acknowledging that he used force against Reynolds, Brogsdale admitted probable cause. And, they argued, the complaint did not allege enough to make it plausible that from the officers' perspective, Brogsdale was obviously in imminent danger or that force was necessary.

The district court agreed with the officers and dismissed the complaint with prejudice. The court opined that touching Reynolds was a battery, officers generally need not investigate affirmative defenses before arrest, and Brogsdale's allegations did not show that officers "ignored conclusively established evidence" of self-defense.

II

On appeal, Brogsdale maintains that his complaint plausibly alleges that the facts known to the officers conclusively established self-defense, negating probable cause.

A claim for false arrest requires allegations that officers lacked probable cause. *See, e.g.*, *Madero v. McGuinness*, 97 F.4th 516, 522–23 (7th Cir. 2024), *cert. denied*, 145 S. Ct. 280 (2024). Officers have probable cause if, at the time of arrest, the circumstances known to them support a reasonable belief that the suspect committed or was about to commit an offense as defined by state law. *Id.* In Illinois, a person commits battery if he "knowingly without legal justification by any means … makes physical contact of an insulting or provoking nature" with another person. 720 ILCS 5/12-3(a)(2). Because Brogsdale's complaint admits that he touched Reynolds against Reynolds's will and in the presence of the officers, it establishes both battery under § 12-3(a)(2) and the officers' probable cause. But Brogsdale contends that facts known to the officers conclusively established self-defense, and so they did not have probable cause after all.

Once an officer has probable cause, she has no constitutional obligation to look for additional exculpatory evidence or possible defenses. *Schimandle v. Dekalb Cnty. Sheriff's Off.*, 114 F.4th 648, 659 (7th Cir. 2024). But an officer "may not ignore conclusively established evidence of the existence of an affirmative defense." *McBride v. Grice*, 576 F.3d 703, 707 (7th Cir. 2009) (quoting *Hodgkins ex rel. Hodgkins v. Peterson*, 355 F.3d 1048, 1061 (7th Cir. 2004)). Otherwise, officers "are entitled to leave to the criminal process the full examination of potential defenses." *Schimandle*, 114 F.4th at 659 (quoting

Phillips v. Allen, 668 F.3d 912, 914 (7th Cir. 2012)). A defendant's ability to explain "seemingly damning facts" does not negate probable cause even if those facts may provide a good defense at trial. *Id.* (quoting *Deng v. Sears, Roebuck & Co.*, 552 F.3d 574, 577 (7th Cir. 2009)).

Illinois criminal law treats self-defense as an affirmative defense for the accused to raise at trial, and once raised, it is the state's burden to prove beyond a reasonable doubt that the accused did not act in self-defense, in addition to proving each element of the charged offense. *People v. Gray*, 91 N.E.3d 876, 889 (Ill. 2017) (citing *People v. Lee*, 821 N.E.2d 307, 311 (Ill. 2004)); *see also* 720 ILCS 5/7-14 (listing self-defense as affirmative defense). Self-defense is not available to the initial aggressor and requires that the accused reasonably believed that he faced imminent harm from the aggressor's unlawful threatened use of force, that force was necessary to repel the aggressor, and that his own use of force was an objectively reasonable response. *Lee*, 821 N.E.2d at 311 (citing 720 ILCS 5/7-1 (defining self-defense)).

Putting it all together, to withstand dismissal, Brogsdale's complaint needed to say enough to make it "plausible," *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), that the officers knew enough to "conclusively establish" self-defense under Illinois law, *Madero*, 97 F.4th at 522–23. We review dismissal under Rule 12(b)(6) de novo. *McCauley v. City of Chicago*, 671 F.3d 611, 615 (7th Cir. 2011).

Probable cause is a much lower bar than proof beyond a reasonable doubt, or even proof by a preponderance. *Compare Madero*, 97 F.4th at 522 (probable cause) *with Gray*, 91 N.E.3d at 885 (reasonable doubt) *and Siddiqui v. Holder*, 670 F.3d 736, 742 (7th Cir. 2012) (preponderance standard). On the other hand, self-defense is a multi-factor inquiry that depends on the interplay of physical details and the actors' mental states. *Gray*, 91 N.E.3d at 889–90. It is not surprising, therefore, that the parties have not directed us to cases that recognize particular fact patterns as "conclusively establishing" self-defense. To make Brogsdale's claim plausible—not just hypothetically possible—his complaint needed to leave no serious ambiguity about what happened. The allegations, even taken as true, remain so open to speculation that they do not make it plausible that self-defense was clearly established for the officers.

Here, the district court properly observed that Brogsdale's vague allegations about the sequence of events before he "placed his hands" on Reynolds do not conclusively establish the elements of self-defense. The complaint does not allege, for example, that Reynolds was still banging and kicking the door when the officers arrived, or why the officers should have known for sure that Reynolds was responsible

for the damaged door. Instead, Brogsdale alleged that Reynolds yelled vague threats; that Reynolds "pass[ed] by" one officer when he tried to enter Brogsdale's apartment; that the other officer did not try to stop Reynolds; and that Brogsdale "was entitled to place his hands on Reynolds at that moment" to protect himself. What occurred "at that moment" is unclear: Brogsdale does not allege where he, Reynolds, or the officers were located such that his entitlement to use force was conclusive. And while the complaint alleges that the officers did not take control of the situation by "limiting or inhibiting Reynolds's movements or actions towards" him, Brogsdale does not allege anything about Reynolds's physical actions that conclusively presented an imminent threat from which he could not retreat or that the officers could not or would not defuse. *See United States v. Feather*, 768 F.3d 735, 739–40 (7th Cir. 2014). Indeed, Brogsdale does not explain how long he waited before concluding that the officers would do nothing beyond issuing commands. Nor does he offer a real description of the amount of force he used.

The dissent objects that we are applying a heightened pleading standard. Not so. At this stage of the case, Brogsdale is entitled to all reasonable inferences. His § 1983 claim depends on an inference: that the officers knew enough to conclusively establish self-defense under Illinois law. That inference isn't reasonable, however, because there's just too much this complaint leaves unsaid about what happened in the officers' presence on the night in question. The dissent points to cases involving other types of claims, but the precise allegations necessary to show that recovery is plausible depend on the claim at issue. *See Tamayo v. Blagojevich*, 526 F.3d 1017, 1083 (7th Cir. 2008) (quotation omitted). In this case, the interaction of Illinois's heightened self-defense standard, the low bar for probable cause, and our pleading rules means that more was required. Recognizing that interplay as to a plausible § 1983 claim is not the same thing as applying a heightened pleading standard.

In this case, as in every other civil action, Brogsdale bears the modest burden of alleging enough to "state a claim to relief that is plausible on its face." *Esco v. City of Chicago*, 107 F.4th 673, 679 (7th Cir. 2024) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint is plausible when it includes "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *McCauley*, 671 F.3d at 615 (quoting *Iqbal*, 556 U.S. at 678). And while we draw all inferences in favor of Brogsdale, *Esco*, 107 F.4th at 678, we cannot draw inferences from details he does not allege.

AFFIRMED

HAMILTON, *Circuit Judge*, dissenting. I respectfully dissent. The majority's decision is an exceptionally aggressive example of some courts' enthusiasm for moving the focus of civil litigation away from facts and evidence and ever more deeply into debates about the niceties of pleading. It is not consistent with the Supreme Court's more restrained use of the *Iqbal-Twombly* pleading standard.[1]

The majority and I agree on the applicable law at a general level, as to both pleading standards and the need for plaintiff ultimately to prove that the facts known to the arresting officers showed conclusively that he was acting in self-defense. But the majority does not actually apply the proper pleading standard. Its decision does not give him the benefit of reasonable inferences from his allegations. It insists instead that he plead an extraordinary level of detail in the complaint to refute all possible inferences *against* his case.

In doing so, the majority decision runs contrary to the Supreme Court's applications of the pleading standard in numerous cases. See, e.g., *National Rifle Ass'n v. Vullo*, 602 U.S. 175, 194–95 (2024) (reversing dismissal of First Amendment complaint where circuit took allegations in isolation and failed to draw inferences in plaintiff's favor); *Erickson v. Pardus*, 551 U.S. 89 (2007) (summarily reversing dismissal when circuit wrongly treated allegations of harm as "conclusory"); *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002) (reversing dismissal; employment discrimination complaint need not allege specific facts establishing prima facie case of discrimination under *McDonnell Douglas* test); *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U.S. 163 (1993) (reversing dismissal of civil rights claim against municipal government; circuit could not properly impose heightened pleading standard for that class of claims). Federal Rule of Civil Procedure 9(b) imposes a heightened pleading standard for certain listed actions, but this case was pleaded under 42 U.S.C. § 1983. And § 1983 actions like this are not on the list.[2]

At trial, the majority and I agree, plaintiff Brogsdale would need to prove that the defendant officers arrested him even though they knew facts conclusively

---

[1] See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

[2] The standard the majority is actually applying is even more demanding than the special statutory standard under the Private Securities Litigation Reform Act. See 15 U.S.C. § 78u-4(b); *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322–24 (2007) (allegations must support inference of fraudulent scienter stronger than innocent inference), on remand, 513 F.3d 702 (7th Cir. 2008) (again reversing dismissal because allegations permitted strong inference of scienter even if they did not require it).

establishing that his supposed crime of battery was an act of self-defense. We disagree on how much he needs to plead in his complaint.

First, I would hold that Brogsdale's first amended complaint was sufficient. From the allegations, we can infer that the officers saw plaintiff's damaged door and heard Reynolds threaten him; that Reynolds tried to enter plaintiff's apartment and passed one officer as he did so; that Reynolds was acting erratically; and that the officers took no other actions to protect plaintiff or his girlfriend from Reynolds. Only then did plaintiff "prevent[] Reynolds from harming himself or anyone else by placing his hands on him."

That first amended complaint was quite specific about what happened. It certainly provided defendants ample notice of plaintiff's claim against them. Giving plaintiff the benefit of favorable inferences—as both *Iqbal* and *Twombly* still instruct—the officers saw and heard everything they needed to conclude that the supposed battery was justified by self-defense. Reynolds was out of control, threatening plaintiff, and advancing on him and his girlfriend, yet the officers were just standing by, completely ineffectual in protecting plaintiff from the immediate threat.

But the *Iqbal-Twombly* pleading standard is a bit like a judicial Rorschach test. See, e.g., *McCauley v. City of Chicago*, 671 F.3d 611, 616 (7th Cir. 2011) (*Iqbal* standard requires trial court to "draw on its judicial experience and common sense"); *id*. at 621–22 (Hamilton, J., dissenting) (noting inconsistent applications). Different judges expect and demand different levels of detail to satisfy *Iqbal* and *Twombly*. The district judge here apparently thought more was needed about what the officers knew and how the situation unfolded. See Dkt. No. 22. I disagree, but those sorts of differing views are not surprising. They help show why, after *Iqbal* and *Twombly*, the right to amend a complaint is so critical. See *Loja v. Main Street Acquisition Corp.*, 906 F.3d 680, 685 (7th Cir. 2018) (reversing denial of leave to amend); *Runnion v. Girl Scouts of Greater Chicago and Northwest Indiana*, 786 F.3d 510, 521–22 (7th Cir. 2015) (reversing dismissal when leave to amend not allowed); *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1024 (7th Cir. 2013) (reversing denial of leave to amend). The district court here appropriately gave plaintiff two opportunities to amend.

That second amended version is the focus of this appeal. It is more than sufficient. Plaintiff added further details: the officers saw the damage to plaintiff's door, which included a broken doorframe, heard Reynolds threaten him (with verbatim quotations), watched Reynolds repeatedly and erratically defy their spoken commands not to advance, and saw him advance past one officer as he tried to enter plaintiff's

apartment. All the while, Reynolds appeared intoxicated. Yet neither officer did anything to protect plaintiff and his girlfriend from the physical and verbal threats Reynolds was making right in front of them.

Those additional details surely told the defendants more than they needed to defend themselves in this suit. Both *Iqbal* and *Twombly* still require the court to give the plaintiff the benefit of reasonable inferences from the allegations. I submit it is obvious that this plaintiff alleged sufficiently that the officers saw and heard what they needed to realize that plaintiff was acting in self-defense right in front of them.

The majority is not satisfied, however. It calls plaintiff's quite specific allegations "vague." It wants even more detail. For example, the complaint should have alleged that Reynolds was still banging and kicking the door when the officers arrived. It wants answers, as I cannot help but emphasize, in the pleadings to questions like why the officers should have known Reynolds had caused the damage, or "where [plaintiff], Reynolds, or the officers were located such that his entitlement to use force was conclusive." Ante at 5. The majority also wants more detail about "Reynolds' physical actions that conclusively presented an imminent threat from which [plaintiff] could not retreat or that the officers could not or would not defuse," and about "how long [plaintiff] waited before concluding that the officers would do nothing beyond issuing commands." Ante at 5. But see, e.g., *Erickson*, 551 U.S. at 93 (summarily reversing dismissal: "Federal Rule of Civil Procedure 8(a)(2) requires only 'a short and plain statement of the claim showing that the pleader is entitled to relief.' Specific facts are not necessary; the statement need only '"give the defendant fair notice of what the . . . claim is and the grounds upon which it rests."'").

The majority decision seems to want this complaint to set forth evidentiary details as if it were narrating a slow-motion video replay. The majority certainly does not give plaintiff the benefit of reasonable inferences from already-specific allegations. The amended complaint before us describes a volatile attack by an enraged drunk trying to get into plaintiff's apartment while the defendant officers stood by and were completely ineffectual. It is not difficult to understand how self-defense applies based on what the officers allegedly saw and heard right in front of them. The Supreme Court's and our precedents do not require more. See *Iqbal*, 556 U.S. at 678 ("The plausibility standard is not akin to a 'probability requirement.'"), quoting *Twombly*, 550 U.S. at 557.

I know that such volatile confrontations between neighbors or partners can be difficult and dangerous for officers to manage. The officers may well recall the incident

differently. They could probably offer an explanation for their allegedly ineffectual responses. At summary judgment or trial, that explanation may be enough to win the case. But those issues should be addressed when witnesses provide evidence rather than on the pleadings. We should reverse the dismissal and remand this case for development of the evidence.