

NONPRECEDENTIAL DISPOSITION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

Argued December 6, 2024
Decided February 18, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1733

MARLEIS TROVER, as Personal
Representative of the Estate of
DONALD D. GADDIS,
Plaintiff-Appellant,

v.

CRAIG OGLESBY and DUSTIN
KELLEY,
Defendants-Appellees.

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

No. 3:18-cv-1464

David W. Dugan,
Judge.

ORDER

Donald Gaddis appeared unannounced at an off-duty police officer's house to discuss an unrelated proceeding in which the officer had testified against him. When Gaddis refused to leave, Williamson County Sheriff's Deputies Craig Oglesby and Dustin Kelley were dispatched to the house. After arresting Gaddis for trespass, one of the deputies inventoried Gaddis's car before having it towed. Claiming that the search

violated his constitutional rights and state law, Gaddis later sued Oglesby and Kelley.¹ After discovery, both officers filed motions for summary judgment, which the district court granted. In the same order, the district court denied Gaddis's request for an adverse inference instruction based upon missing video footage from Oglesby's patrol car. Gaddis now appeals both rulings, but because no reasonable jury could find for Gaddis and the district court did not abuse its discretion in refusing the adverse inference instruction, we affirm.

I

Because we are reviewing the district court's summary judgment ruling, we recite the facts in the light most favorably to Gaddis, the nonmovant. *See Taylor v. Schwarzhuber*, 132 F.4th 480, 486 (7th Cir. 2025).

On March 25, 2018, Oglesby and Kelley responded separately to a dispatcher's report of a disturbance at a residential address. The residence belonged to off-duty City of Marion police officer Bryan DeMattei. When the deputies arrived, DeMattei and a friend reported that Gaddis had approached DeMattei at his house to discuss a prior case, in which DeMattei had testified against him. When DeMattei asked him repeatedly to leave, Gaddis refused. Oglesby determined that Gaddis had committed trespass to DeMattei's property and arrested him.

Shortly after Oglesby took Gaddis into custody, Kelley arranged to have Gaddis's car towed from DeMattei's driveway and conducted an inventory search of its contents in keeping with Williamson County Sheriff's Office policy. Kelley conducted the inventory search, and Oglesby was present while the items were inventoried.

The search of the automobile uncovered numerous items, including mace, three golf clubs, speed loaders for a revolver, and a notebook. Kelley briefly looked inside the notebook to make sure it contained nothing of value, such as bank account numbers. Oglesby, on the other hand, had no recollection of a notebook.

During his deposition, DeMattei recounted that a sheriff's deputy (he could not recall who) placed the notebook on DeMattei's kitchen island and told him that it

¹ Gaddis passed away on May 20, 2022, and his mother and executor of his estate, Marleis Trover, was substituted in his stead.

contained his name. DeMattei skimmed through it and read some notes theorizing that DeMattei had wrongfully arrested Gaddis in the prior case and had coached witnesses to substantiate the arrest. Later that day, concerned for his safety, DeMattei sought and received a civil protective order against Gaddis. In support, he noted the trespassing incident, the presence of potential weapons found in Gaddis's car, and the notebook entries.

Gaddis then filed this lawsuit against Oglesby and Kelley, alleging that they had violated his Fourth Amendment rights by reading his notebook and providing it to DeMattei for his perusal. Gaddis also claimed that this conduct amounted to trespass to chattels under Illinois law.

During discovery, Gaddis sought dashcam video of the incident from Oglesby's patrol car. According to Gaddis, the video could establish precisely who had searched Gaddis's car and how DeMattei had gained access to his notebook. But, during Gaddis's criminal trespass case, Oglesby testified that both he and Chief Deputy Scott McCabe had tried to download the dash camera video footage from Oglesby's patrol car but were unable to do so. And when Gaddis sought the footage as part of this case, McCabe stated that the car's computer system had malfunctioned, had been replaced, and no longer existed.

After discovery, Defendants moved for summary judgment. As to the Fourth Amendment claim, the district court granted summary judgment for Kelley, concluding that he was entitled to qualified immunity because the illegality of his conduct was not clearly established at the time. The court also granted summary judgment in favor of Oglesby, determining that no reasonable jury could find that he had participated in the inventory search. As for the trespass-to-chattels claim, the district court held that it was time-barred as to Kelley and that it was meritless in any event.

In reaching its decision, the court also declined Gaddis's request for a discovery sanction under Fed. R. Civ. P. 37(e)(2)(A) for the missing dashcam video. Gaddis believed that he was entitled to an adverse inference that the missing dash footage was unfavorable to Defendants. The court disagreed, concluding that Gaddis had not satisfied his burden to show either that Defendants had failed to take reasonable steps to preserve the footage or that they had intended to deprive him of the footage.

Gaddis appeals. First, he contends that the district court's qualified immunity determination was erroneous as a matter of law. He also challenges the dismissal of his

state law claim on several grounds and argues that the district court should have presumed that the video footage would have been unfavorable to Defendants.

II

We review *de novo* a district court's grant of summary judgment. *Smithson v. Austin*, 86 F.4th 815, 819 (7th Cir. 2023). Summary judgment is appropriate when there are no genuine disputes of material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

A

Gaddis first argues that the district court erred in granting summary judgment to Kelley on qualified immunity grounds. For the reasons we will explain, however, the district court's ruling as to Kelley was correct. Moreover, although the district court granted summary judgment to Oglesby because, according to the court, he was not personally involved in the search, we conclude that qualified immunity would cover Oglesby's conduct as well and affirm the judgment on that basis. *See Peretz v. Sims*, 662 F.3d 478, 480 (7th Cir. 2011) (noting that we may affirm on any ground supported in the record "so long as that ground was adequately addressed in the district court and the nonmoving party had an opportunity to contest the issue").

"Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). Law enforcement officers, who are sued under § 1983, are entitled to qualified immunity unless: "(1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was clearly established at the time." *District of Columbia v. Wesby*, 583 U.S. 48, 62–63 (2018) (internal quotation marks omitted). "Qualified immunity is an affirmative defense, but once the defendant raises it, 'the burden shifts to the plaintiff to defeat it.'" *Taylor v. City of Milford*, 10 F.4th 800, 806 (7th Cir. 2021) (quoting *Leiser v. Kloth*, 933 F.3d 696, 701 (7th Cir. 2019)). Thus, when a defendant officer properly raises the defense of qualified immunity, it is the plaintiff who bears the burden of establishing a constitutional violation and "showing the existence of the allegedly clearly established constitutional right." *Clash v. Beatty*, 77 F.3d 1045, 1047 (7th Cir. 1996); *see Sinn v. Lemmon*, 911 F.3d 412, 419 (7th Cir. 2018).

This is not to say that a plaintiff must cite “a federal decision which precisely mirrors the facts of this case” to satisfy the second element. *Sonnleitner v. York*, 304 F.3d 704, 716 (7th Cir. 2002). But, “at a minimum he must point to a closely analogous case decided prior to the challenged conduct.” *Id.* In other words, the analysis requires identification of “a case where an officer acting under similar circumstances as [the defendant] was held to have violated the Fourth Amendment.” *White v. Pauly*, 580 U.S. 73, 79 (2017) (per curiam).

According to Gaddis, the officers (whether Kelley, Oglesby, or both) violated his Fourth Amendment rights by reading his notebook and providing it to DeMattei, and this prohibition was clearly established at the time of the incident. But even if we assume the former, Gaddis has not satisfied his burden to establish the latter.

As Defendants point out, Gaddis failed to apprise the district court of any authority that would support his contention that a reasonable officer would understand at the time that reading Gaddis’s notebook and, given its contents, providing it to DeMattei was illegal. *See Wesby*, 583 U.S. at 63 (“‘Clearly established’ means that, at the time of the officer’s conduct, the law was sufficiently clear that every reasonable official would understand that what he is doing is unlawful.”) (citation modified).

In opposing Defendants’ qualified immunity defense, Gaddis’s entire argument to the district court was comprised of just four sentences:

Defendants’ immunity arguments are predicated on their belief that a jury will not be permitted to conclude that one of them gave Gaddis’s notebook to DeMattei for his review. Oglesby himself stated that it was against policy for even him to read the notebook, much less permit DeMattei to read the notebook. (Pl. Ex. #4, page 15). Giving the notebook to Demattei to read violated applicable procedure and the officers knew it. There is no immunity available.

The district court held that Gaddis’s cursory discussion of qualified immunity failed to satisfy the clearly-established-law prong of qualified immunity. This was reason enough to grant summary judgment in Defendants’ favor. *See Gibbs v. Lomas*, 755 F.3d 529, 537 (7th Cir. 2014) (“If *either* inquiry is answered in the negative, the defendant official is entitled to summary judgment.”).

Our decision in *Sinn* is illustrative. There, the plaintiff sued several correctional officers under § 1983 claiming that they had acted with deliberate indifference to his safety in violation of the Eighth Amendment. 911 F.3d at 417–18. The officers moved for judgment on the pleadings, arguing both qualified immunity and the merits. *Id.* at 418. In response, the plaintiff only addressed the merits of his claim, and the district court entered judgment for the officers. *Id.* We affirmed, holding that where a plaintiff does not address the “clearly established” prong in response to the defendants’ qualified immunity defense in the district court and the court subsequently dismisses the claim as a result, the plaintiff may not relitigate the issue on appeal. *Id.* at 419.

Admittedly, Gaddis did somewhat more than the plaintiff in *Sinn*. But we have consistently held that where the party “cited no relevant legal authority to the district court to support the proposition the argument is waived.” *Arlin-Golf, LLC v. Village of Arlington Heights*, 631 F.3d 818, 822 (7th Cir. 2011); *Domka v. Portage County*, 523 F.3d 776, 783 n.11 (7th Cir. 2008) (“[W]here a party raises a specific argument for the first time on appeal, it is waived even though the ‘general issue’ was before the district court[.]”); *Humphries v. CBOCS W., Inc.*, 474 F.3d 387, 407–08 (7th Cir. 2007) (“We agree with the district court’s determination that [the plaintiff] waived (forfeited would be the better term) his ... claim by devoting only a skeletal argument in response to [the defendant’s] motion for summary judgment.”), *aff’d on other grounds*, 553 U.S. 442 (2008).

These cases aptly describe Gaddis’s deficient response to the deputies’ qualified immunity defense in the district court, and Gaddis has offered nothing to overlook the shortcoming. *Cf. Henry v. Hulett*, 969 F.3d 769, 786 (7th Cir. 2020) (en banc) (stating that, in a civil case, “we typically will not entertain an argument raised for the first time on appeal, even for the limited purpose of ascertaining whether a plain error occurred.”) (quoting *CNH Indus. Am. LLC v. Jones Lang LaSalle Ams., Inc.*, 882 F.3d 692, 705 (7th Cir. 2018)); *see also Schmitz v. Colvin*, 124 F.4th 1029, 1033 (7th Cir. 2024) (“In the civil context, ... plain-error review is reserved only for the extraordinary case.”). Thus, summary judgment in favor of Defendants as to the Fourth Amendment claim based on qualified immunity was appropriate.

B

Next, Gaddis posits several arguments to contest the district court’s decision to grant summary judgment with respect to his trespass-to-chattels claim. But by not raising these arguments below, he has failed to properly preserve them for appeal. *See Scheidler v. Indiana*, 914 F.3d 535, 540 (7th Cir. 2019) (“A party generally forfeits issues

and arguments raised for the first time on appeal.”).

When Defendants moved for summary judgment, they asserted that the trespass-to-chattels claim against Kelley was barred by the statute of limitations, 745 Ill. Comp. Stat. 10/8-101. They also maintained that the claim was barred by the Illinois Tort Immunity Act, 745 Ill. Comp. Stat. 10/2-201 *et seq.* In the alternative, they challenged the claim on its merits.

Gaddis’s opposition brief, on the other hand, was silent as to his trespass-to-chattels claim. In fact, the only time Gaddis mentioned “trespass” at all was when he referred to the criminal trespass charges against him. Accordingly, he has forfeited any argument regarding his trespass-to-chattels claim, and we see no reason to further address it. *See Schmitz*, 124 F.4th at 1033; *Henry*, 969 F.3d at 786.

III

Lastly, Gaddis contends that the district court erred when it denied his request for a presumption that the dash camera footage from Oglesby’s patrol car would have been unfavorable to Defendants as a discovery sanction under Rule 37(e)(2)(A). We review the denial of discovery sanctions for abuse of discretion. *Harrington v. Duszak*, 971 F.3d 739, 741 (7th Cir. 2020).

Rule 37(e)(2)(A) provides:

If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because *a party failed to take reasonable steps to preserve it*, and it cannot be restored or replaced through additional discovery, the court ... *only upon finding that the party acted with the intent to deprive another party of the information’s use in the litigation* may ... presume that the lost information was unfavorable to the party.

Fed. R. Civ. P. 37(e)(2)(A) (emphases added). In other words, the “destruction of or inability to produce [evidence], standing alone, does not warrant an inference that the [evidence], if produced, would have contained information adverse to the [defendant’s] case.” *Park v. City of Chicago*, 297 F.3d 606, 615 (7th Cir. 2002). “The crucial element is not that the evidence was destroyed but rather the reason for the destruction.” *S.C. Johnson*

& Son, Inc. v. Louisville & Nashville R.R. Co., 695 F.2d 253, 258 (7th Cir. 1982). The movant bears the burden of establishing that a defendant acted in bad faith, which requires destruction “for the purpose of hiding adverse information.” *Bracey v. Grondin*, 712 F.3d 1012, 1019 (7th Cir. 2013) (internal quotation marks omitted).

The district court was well within its discretion to conclude that Gaddis had not met his burden to show bad faith. Here, Gaddis relies on the unsuccessful attempts by Oglesby and McCabe to download the video from the dashcam. He also points to McCabe’s representation that the computer system in Oglesby’s patrol car had malfunctioned, had been replaced, and no longer existed. He provides nothing more. This falls well short of satisfying Gaddis’s burden under Rule 37(e)(2)(A).

* * *

For the foregoing reasons, the judgment is AFFIRMED.