

NONPRECEDENTIAL DISPOSITION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 2, 2026*

Decided June 5, 2026

Before

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 25-1806

ANDRE L. ECHOLS, JR.,
Plaintiff-Appellant,

v.

TOM HANSEL,
Defendant-Appellee.

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

No. 23 CV 16000

John J. Tharp, Jr.,
Judge.

ORDER

Andre Echols appeals the district court's dismissal of his suit alleging malicious prosecution. *See* 42 U.S.C. § 1983. Because Echols concedes that he cannot prevail unless we overrule *Imbler v. Pachtman*, 424 U.S. 409 (1976), we affirm.

* We have granted the appellant's motion to waive oral argument and have agreed to decide the case on the briefs and the record. FED. R. APP. P. 34(f).

After a February 2019 traffic stop, Chicago police impounded Echols's car. Assistant Corporation Counsel Tom Hansel prosecuted the impoundment in August 2019, and an administrative law judge upheld the impoundment and ordered Echols to pay storage fees. The car was released from impoundment in November 2022 after a second administrative law judge determined the city had not met its burden of proof.

In 2023, Echols sued Hansel for malicious prosecution and for soliciting a police officer's false testimony.[†] The district court dismissed Echols's complaint, concluding that *Imbler* foreclosed his claims. In *Imbler*, the Supreme Court held that prosecutors are entitled to absolute immunity for actions taken while initiating and pursuing prosecutions. *See* 424 U.S. at 427; *see also Mendenhall v. Goldsmith*, 59 F.3d 685, 691 (7th Cir. 1995) (absolute immunity bars suit when an attorney in civil proceedings "function[s] in an enforcement role analogous to that of a prosecutor").

On appeal, Echols concedes that *Imbler* controls and asks us to reconsider the holding in that case. He contends that the holding of *Imbler* is overbroad because neither the common law nor the federal statutory scheme conferred absolute immunity on prosecutors at the time *Imbler* was decided. But we lack the power to overrule Supreme Court precedent. *See, e.g., Bosse v. Oklahoma*, 580 U.S. 1, 3 (2016) ("[I]t is [the Supreme] Court's prerogative alone to overrule one of its precedents." (quoting *United States v. Hatter*, 532 U.S. 557, 567 (2001))). "If *Imbler* is to be overruled, only the Supreme Court itself can overrule it." *Foreman v. Wadsworth*, 844 F.3d 620, 624 (7th Cir. 2016).

AFFIRMED

[†] Echols also sued the two Chicago police officers who conducted the traffic stop and impounded his car, alleging civil conspiracy and violations of his rights under the Fourth and Fourteenth Amendments. The district court dismissed those claims as moot because Echols had raised substantively identical allegations against the officers in an earlier case and lost at summary judgment. *See Echols v. Niznik*, No. 20-CV-2226 (N.D. Ill. Apr. 29, 2025). Echols does not challenge the court's mootness determination, and so we do not review it here.