NONPRECEDENTIAL DISPOSITION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 9, 2025*
Decided July 7, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2352

RUBEN SANTOYO,
Plaintiff-Appellant,

v.

CITY OF CHICAGO, et al.,
Defendants-Appellees.

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

No. 22-cv-3559

Martha M. Pacold,
Judge.

O R D E R

Ruben Santoyo appeals the denial of two post-judgment motions to reinstate his lawsuit against the City of Chicago and the two Chicago police officers who arrested him. Because Santoyo's motions were frivolous, as is this appeal, we affirm.

Santoyo was arrested for battery in July 2020 by officers Kevin Sodja and Isai Junes. Almost two years later, he brought this suit, alleging that the officers arrested

* We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

him without probable cause in violation of his Fourth Amendment rights, *see* 42 U.S.C. § 1983, and state law. The defendants later moved for summary judgment. After oral argument, the district judge granted the motion, ruling that no reasonable jury could find that the officers lacked probable cause to arrest Santoyo.

Two days later, Santoyo filed two motions to set aside the judgment under Federal Rule of Civil Procedure 60(b). In his first motion, Santoyo asserted that he had observed unspecified "irregularities suggesting judicial conflict of interest and misconduct," and that he had "substantial evidence suggesting that the presiding judge's impartiality may have been compromised." In his second motion, Santoyo contended that the judgment should be set aside because neither party was put under oath before arguing the summary judgment motion.

The judge denied both motions, concluding that they contained nothing more than vague assertions that failed to satisfy Rule 60(b)'s requirement of "exceptional circumstances." She further observed that Santoyo's accusations of judicial misconduct were "utterly baseless"—continuing a trend of baseless accusations by Santoyo throughout the litigation. The judge also noted that Santoyo had cited two non-existent cases, presumably generated by an artificial intelligence program that he had acknowledged using in past filings. The judge warned Santoyo that he could be sanctioned if he continued to make baseless accusations of judicial misconduct or if he submitted other fictitious authority.

Santoyo appealed and while that appeal was pending the district court sanctioned him for reasons unimportant to this order. We review that sanctions order in a precedential opinion also issued today.[1]

Santoyo challenges the denial of his Rule 60(b) motions,[2] but these challenges are frivolous. First, he reasserts that the judgment must be vacated because the parties were not under oath when arguing the summary judgment motion. But as the district judge correctly ruled, the parties did not need to be placed under oath before making legal

[1] The sanctions order resulted in a filing bar being imposed against Santoyo in the district court, and he informs us that the Northern District of Illinois's Clerk's Office is now rejecting his submissions to the district court docket in this case. He correctly observes that the Executive Committee exempted from the filing bar any case that existed before the filing bar was imposed. The Clerk's Office is directed to accept Santoyo's filings on the district court docket in this case.

[2] Santoyo's original notice of appeal also challenged the underlying order granting summary judgment and the judgment itself, but he has since clarified in a "notice of correction" that he seeks to challenge only the denial of his Rule 60(b) motions.

arguments; the statements of attorneys are not evidence. *See Renard v. Ameriprise Fin. Servs., Inc.*, 778 F.3d 563, 569 (7th Cir. 2015). Second, Santoyo contends that he provided "detailed accounts" of judicial misconduct and conflicts of interest and that the judge did not sufficiently substantiate her ruling. But the judge rightly rejected Santoyo's allegations because he provided no evidence to support them, much less evidence sufficient to call into doubt the court's impartiality, *see United States v. Walsh*, 47 F.4th 491, 499–500 (7th Cir. 2022), or show the extraordinary circumstances required for relief under Rule 60(b), *see Word Seed Church v. Village of Homewood*, 43 F.4th 688, 690 (7th Cir. 2022). To the extent Santoyo argues that the judge's threat of sanctions suggests bias, he is mistaken. Even a pro se litigant like himself must verify that the authority he submits is accurate, FED. R. CIV. P. 11(b), and a judge's threat to enforce that rule with sanctions does not hint of bias, *see In re City of Milwaukee*, 788 F.3d 717, 722–23 (7th Cir. 2015) (threat of sanctions for "non-starter arguments" did not suggest bias).[3]

Our determination that Santoyo's appeal is frivolous does not automatically justify sanctions in our court, *Dolin v. GlaxoSmithKline LLC*, 951 F.3d 882, 888 (7th Cir. 2020), but we are persuaded that they are warranted here. We recently warned Santoyo in a separate appeal, also frivolous, that future frivolous appeals may result in sanctions. *Santoyo v. Village of Oak Lawn*, No. 24-2051, 2024 WL 4930393, at *2 (7th Cir. Dec. 2, 2024). And a year before that warning, in a matter relating to this case, we denied as frivolous Santoyo's petition for a writ of "supervisory control" concerning recusal of the district judge and warned him that further frivolous petitions may result in sanctions. *In re Ruben Santoyo*, No. 23-3048 (7th Cir. Oct. 31, 2023). What's more, we denied Santoyo's request in this appeal to proceed in forma pauperis, concluding that he had not made any "potentially meritorious argument." *Santoyo v. City of Chicago*, No. 24-2352 (7th Cir. Sept. 20, 2024). And despite the district judge's warning that he could be sanctioned for submitting additional filings with irrelevant citations, the authorities he cites in his opening brief in our court do not at all support the propositions he advances.

In short, this appeal is frivolous. Santoyo is ordered to show cause within 14 days why he should not be subject to sanctions imposed by our court, including an order to pay the appellees' fees and costs. *See* FED. R. APP. P. 38.

AFFIRMED

[3] In his reply brief, Santoyo for the first time raises other arguments concerning alleged procedural irregularities. But arguments raised for the first time in a reply brief are waived, *Bradley v. Village of University Park*, 59 F.4th 887, 897 (7th Cir. 2023), and so we do not address them.