

NONPRECEDENTIAL DISPOSITION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 September 11, 2023*

Decided September 12, 2023

BeforeFRANK H. EASTERBROOK, *Circuit Judge*ILANA DIAMOND ROVNER, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-1440

JINMEI ZHANG,
*Plaintiff-Appellant,**v.*SHAWN MAZZA, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 18-cv-3283

Steven C. Seeger,
*Judge.***ORDER**

Police officers arrested Jinmei Zhang for suspected prostitution. After the government dismissed the charges against her, Zhang sued the officers for arresting her

* 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)(A).

without probable cause in violation of her Fourth Amendment rights. The officers moved for summary judgment, and Zhang did not respond. Based on the undisputed facts, the district court entered summary judgment for the officers on all claims. Because the uncontested facts show that the officers had probable cause to arrest Zhang, we affirm.

We recount the defendants' uncontested facts in the light most favorable to Zhang. *McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 786–87 (7th Cir. 2019). After police officers in Batavia, Illinois, received complaints about suspected prostitution at a spa there, the officers contacted federal officials and planned a sting. During the sting, a federal officer entered the spa and paid for a massage with Zhang, who worked there. Soon after, the federal officer told the Batavia officers that Zhang attempted to perform, in exchange for money, a sexual act on him during the massage. Relying on that report, the Batavia officers arrested her and confiscated over \$6,000 in cash that they found in her handbag. Although Zhang was criminally charged, the government later dismissed the case.

Zhang sued the officers, alleging (as relevant on appeal) that they arrested her without probable cause in violation of her Fourth Amendment rights. The officers moved for summary judgment, but Zhang never responded to their proposed facts or legal arguments. *See* FED. R. CIV. P. 56(c), (e); N.D. Ill. L.R. 56.1(b). The district court later granted their motion. First, it permissibly deemed undisputed their statement of facts (because Zhang never responded) and properly recognized that, despite Zhang's silence, the officers still had to show that those undisputed facts warranted summary judgment. *See Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021). Then the court ruled that, among other fatal flaws in the case, the officers had probable cause to arrest her because they reasonably relied upon a report that she engaged in prostitution.

Zhang appealed. We have already granted a motion to affirm summarily the judgment for some defendants. Summary Affirmance Order, App. Dkt. 40 (Mar. 9, 2023). As for the remaining defendants (the Batavia officers), Zhang does not offer a cogent argument with citations to authority explaining why the district court erred in entering summary judgment for them, as she must. *See* FED. R. APP. P. 28(a)(8). We are mindful of her pro se status, *see Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001), and a possible language barrier (it appears that she translated her brief using software). But she is still required to comply with Rule 28(a) of the Federal Rules of Appellate Procedure. *Id.* at 545–46. Because she has not, we could dismiss her appeal. *Id.* We prefer, though, to decide a case on the merits when we can, *see Boutrous v. Avis Rent A Car Sys., LLC*, 802 F.3d 918, 924 (7th Cir. 2015), and we do so here.

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As best we can tell, the focus of Zhang's brief—and a premise in her claims against the Batavia officers generally—is that the officers arrested her without probable cause. Probable cause supports an arrest when arresting officers have information that reasonably supports their belief that a person has committed, is committing, or is about to commit a crime. *Michigan v. DeFillippo*, 443 U.S. 31, 37 (1979). Here, the undisputed facts show that at the time they arrested her, the officers had such information: community complaints about suspected prostitution at the spa and the federal officer's statement that Zhang engaged in prostitution. Zhang now appears to dispute the accuracy of that information, but again, the district court permissibly accepted the defendants' facts as undisputed. *McCurry*, 942 F.3d at 786–87. In any event, probable cause requires only that the officers *reasonably* believed she committed a crime, not that their "belief [is] correct or even more likely true than false." *Braun v. Village of Palatine*, 56 F.4th 542, 549 (7th Cir. 2022). And based on the uncontested facts at summary judgment, the officers' belief was reasonable.

AFFIRMED