

NONPRECEDENTIAL DISPOSITION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 October 15, 2024*

Decided October 16, 2024

BeforeMICHAEL Y. SCUDDER, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-1896

NEAL PRICE,
*Plaintiff-Appellant,**v.*VILLAGE OF HOMEWOOD, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 24 CV 595

Lindsay C. Jenkins,
*Judge.***ORDER**

Neal Price sued the Village of Homewood after it issued him a traffic ticket with a fine that exceeds what he believes is the maximum that Illinois law permits; he asserted that the Village imposed an excessive fine in violation of his rights under the Eighth Amendment and federal anti-extortion laws. The district court dismissed the

* 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)(C).

case for lack of subject matter jurisdiction, concluding that Price had no Article III standing. We affirm because Price never paid the traffic ticket, and the Village eventually dismissed it, so he lacks the necessary injury-in-fact to have standing.

In November 2023, Price drove through Homewood while not wearing his seatbelt. A Homewood police officer issued him a ticket for violating its local ordinance. Price disputed the ticket, arguing that the fine was unlawful because 625 ILCS 5/12-603.1 sets a maximum fine of \$25, and the ticket was for \$50. In the administrative proceedings, the Village explained to Price that as a home-rule municipality, *see* 65 ILCS 5/1-2-1, it has independent authority to regulate motor vehicles and set a customized schedule of fines not to exceed \$250, *see* 625 ILCS 5/11-208.3(a), (b)(10).

Instead of paying the ticket, Price sued the Village and the officers who ticketed him. He brought a claim in federal court under 42 U.S.C. § 1983, alleging that the \$50 fine violated the Eighth Amendment's Excessive Fines Clause and that having to interact with police and defend the citation caused him emotional distress. The district court also understood Price to seek relief for attempted extortion under the Hobbs Act, 18 U.S.C. § 1951, and Illinois tort law.

While the case was pending, the Village dismissed the ticket, relieving Price of any obligation to pay the fine. The Village then moved to dismiss the complaint, arguing that, without an obligation to pay the ticket, Price lacked standing to sue, like the plaintiff who made a similar claim in *Simic v. City of Chicago*, 851 F.3d 734 (7th Cir. 2017). The district court agreed and dismissed the case for lack of federal jurisdiction. Price appeals, and we review the decision on standing *de novo*. *Spuhler v. State Collection Serv., Inc.*, 983 F.3d 282, 285 (7th Cir. 2020).

On appeal, Price first argues that *Simic* is no longer good law, so the district court erred in relying on it. Price seizes on a statement in the opinion that questioned whether the Excessive Fines Clause applies to local governments; he points out that in *Timbs v. Indiana*, 586 U.S. 146, 154 (2019), the Supreme Court said that it does. Thus, Price infers, *Simic* cannot control the outcome of his case. But in *Simic* we said that the plaintiff lacked standing even if the Excessive Fines Clause applied to a fine for a municipal ordinance violation. *Simic*, 851 F.3d at 739. *Timbs* therefore does nothing to undermine the rationale for concluding that the *Simic* plaintiff lacked standing.

And like that plaintiff, Price, too, lacks standing. Federal courts may only consider "Cases" and "Controversies," U.S. CONST., Art. III, § 2, meaning the plaintiff must have a concrete injury-in-fact, not just a belief that the government is acting

illegally. *See Spokeo, Inc. v. Robins*, 578 U.S. 330, 340–41 (2016). For the purposes of the Excessive Fines Clause, this means that a plaintiff suffers an injury only when the government extracts a payment, not when it merely seeks one. *Simic*, 851 F.3d at 739 (citing *United States v. Bajakajian*, 524 U.S. 321, 328 (1998)). Price never paid the ticket and is not obligated to do so. Therefore, as the Village argues, this case is materially indistinguishable from *Simic*, in which the plaintiff lacked standing to bring her excessive-fine claim once she no longer had to pay her ticket for driving while using a handheld device, in violation of a city ordinance. The fact that Price spent time or money challenging the ticket and pursuing this claim cannot create standing. *See Dinerstein v. Google, LLC*, 73 F.4th 502, 522–23 (7th Cir. 2023); *Simic*, 851 F.3d at 739.

Price also argues that he has standing to pursue other claims based on the allegations in his complaint: violations of the Hobbs Act, 18 U.S.C. § 1951, and the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1694(c), based on the Village’s “attempted extortion.” But the Hobbs Act is a criminal statute that does not provide any citizen with a private right of act of action, so his standing is beside the point. *Stanard v. Nygren*, 658 F.3d 792, 794 (7th Cir. 2011). Further, Price never mentioned RICO in opposing the motion to dismiss and so has waived this argument. *See Douglas v. Reeves*, 964 F.3d 643, 649 (7th Cir. 2020). Waiver (and plausibility) aside, a civil RICO claim is unavailable here: Price suffered no pecuniary injury and asserts only that he suffered emotional distress, which is not compensable under the private RICO provision. *Ryder v. Hyles*, 27 F.4th 1253, 1257 (7th Cir. 2022). Finally, to the extent that the district court considered whether Price’s “extortion” allegations pointed to a claim under Illinois common law, Price does not mention any such claim in his appellate briefs, so we need not address state law nor the parties’ related arguments about federal jurisdiction based on diversity of citizenship.

AFFIRMED