

NONPRECEDENTIAL DISPOSITION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 March 21, 2025*

Decided April 1, 2025

BeforeMICHAEL B. BRENNAN, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-2468

RAKEEM HARRIS,
*Plaintiff-Appellant,**v.*HECTOR MELCHOR, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Central District of Illinois.

No. 23-CV-1094-JES

James E. Shadid,
*Judge.***ORDER**

Rakeem Harris sued Officers Hector Melchor, Cody Followell, and Jared Roth of the Bloomington, Illinois Police Department for allegedly violating his constitutional rights during two traffic stops. *See* 42 U.S.C. § 1983. The district court granted defendants' motion for summary judgment, ruling that no reasonable jury could find that the officers violated his constitutional rights during either traffic stop. We affirm.

* 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).

I.

We recount the facts in the light most favorable to Harris, the nonmoving party. *Muhammad v. Pearson*, 900 F.3d 898, 902 (7th Cir. 2018). In March 2021, Harris was pulled over by Officer Melchor. Melchor said he pulled Harris over because Harris failed to signal as he exited a gas station and did not have a visible registered license plate on the back of his car—Harris had a cover over his rear license plate that read “Traveler.” Melchor asked Harris for proof of insurance or proof of registration, but Harris did not produce those documents. Melchor ticketed Harris for failure to demonstrate proof of registration and insurance and then allowed Harris to drive away.

In November 2021, Melchor stopped Harris on the road for not having a license plate attached to his front bumper. This time, however, Harris had placed the license plate inside his front windshield. When Harris rolled down his window, Melchor smelled marijuana. After Officer Followell arrived, Melchor ordered Harris out of the car. Melchor searched the car and found what appeared to be marijuana—the leafy substance turned out, later, to be a hemp product similar to marijuana—cash, and a handgun. Upon finding the handgun, Melchor handcuffed Harris, put him in the back of a police car, and continued to search Harris’s car. Soon thereafter Melchor learned over police radio that Harris had a valid Firearm Owner’s Identification Card and a Concealed Carry License, at which point he promptly released Harris.

Harris sued Melchor, Followell, Roth, and the Bloomington Police Department for constitutional violations arising out of the two traffic stops. *See* 42 U.S.C. § 1983. With regard to the first stop, Harris asserted that Melchor unlawfully searched, seized, and maliciously prosecuted him. Harris also argued that Melchor infringed on his religious exercise. According to Harris, requiring him to have proof of registration substantially burdened his ability to use his car to “engage in prayer.” As for the second stop, Harris asserted that Melchor unlawfully searched and seized him, falsely arrested him, and infringed on his rights under the Second Amendment. He also accused Followell and Sergeant Roth of failing to intervene during his arrest.¹ Lastly, he asserted that the Bloomington Police Department maintained unconstitutional practices of malicious prosecution, unlawful seizure, and prohibiting the free exercise of religion.

¹ There is nothing in the record to support Harris’s assertion that Sergeant Roth was involved in this case. Roth was not physically present or directly involved in either traffic stop. He was the signing supervisor on the November police report.

Further proceedings ensued, and the defendants moved for summary judgment. The court sent Harris a letter notifying him of the motion and advising him that he needed to respond by affidavit setting forth “specific facts” showing that there is a genuine issue of material fact for trial. The notice included a copy of Rule 56 of the Federal Rules of Civil Procedure and advised Harris that, if he did not submit such evidence, the defendants’ statement of facts would be accepted as true. Harris responded to Melchor’s motion for summary judgment but cited no record evidence to support his version of events.

The court granted the defendants’ motion for summary judgment. To begin, the court deemed admitted the defendants’ statement of facts because Harris’s response to the motion failed to comply with Rule 56 of the Federal Rules of Civil Procedure or Central District of Illinois Local Rule 7.1(D) governing summary judgment motions. The court then proceeded to the merits of Harris’s claims.

It first determined that none of Harris’s causes of action in connection with the March 2021 traffic stop—unlawful seizure, malicious prosecution, and infringement of his religious exercise – survived summary judgment. The court reasoned that no reasonable jury could find that Melchor lacked reasonable suspicion to pull over Harris, given Harris’s failure to signal or display a visible registered license plate. Next, the court, acting *sua sponte*, *see* Fed. R. Civ. P. 56(f)(2), dismissed Harris’s federal malicious-prosecution claim for three reasons: (1) in addition to reasonable suspicion, Melchor had probable cause to stop Harris; (2) there were no criminal proceedings initiated against Harris in connection with the traffic stop; and (3) Harris misinterpreted the meaning of “motor vehicle” as relevant to Illinois laws governing vehicle registration. The court also rejected Harris’s religious-exercise claim, finding Illinois’s traffic laws requiring proof of registration and utilizing appropriate license plates did not substantially burden Harris’s religious practices under the First Amendment.

The court next turned to Harris’s allegations involving the November 2021 traffic stop. It rejected Harris’s unlawful-seizure claim finding Melchor had reasonable suspicion to stop Harris for not affixing a license plate to the front of his car. The court also found that, given the plausible odor of marijuana detected coming from Harris’s vehicle, no reasonable jury could conclude that Melchor lacked probable cause to search Harris’s car or his person. Next, it found that the officers had probable cause to seize the green leafy substance found on Harris’s person. Lastly, concerning Harris’s false-arrest claim and unlawful seizure of the firearm, the court found that the officers were justified in handcuffing and detaining Harris while they determined whether he

possessed the firearm lawfully. In the court's view it was reasonable, in light of the circumstances, to seize the firearm during the inquiry. Without an underlying constitutional violation, the court then found Harris's failure to intervene claim against the officers failed as a matter of law.

Finally, turning to Harris's claim against the City of Bloomington under *Monell v. Department of Soc. Services*, 436 U.S. 658 (1978), the court rejected this claim for several reasons: (1) there was no underlying constitutional violation; (2) Harris did not present evidence of a policy or practice that inflicted a constitutional injury; and (3) Harris failed to name the City as a defendant.

II.

We begin with several procedural challenges. Harris first argues that the district court erred when, based on his failure to comply with the local and federal rules, it deemed Melchor's facts admitted. Harris points out that the court did not send him a copy of the Central District of Illinois's Local Rules, and he contends that this oversight prevented him from knowing that he had to support his claims with citations to the record.

The court's ruling was an appropriate exercise of its discretion. Even if Harris were not given a copy of the related Local Rules, the letter sent to him by the court warned that his failure to properly support his facts—or contest Melchor's statement of facts—would result in the “defendants’ statement of facts . . . be[ing] accepted as true for purposes of summary judgment.” See FED. R. CIV. P. 56(e). The court here adequately justified its ruling, explaining that Harris failed to support his factual assertions with specific record citations. See, e.g., *McDaniel v. Syed*, 115 F.4th 805, 813 (7th Cir. 2024).

Harris also asserts that the district judge—whose father was a police officer—has often sided with law enforcement officers, and that this bias is reflected in his procedural rulings (i.e., granting an extension of time to Melchor, treating all of Melchor's facts as admitted). But adverse judicial rulings do not provide a valid basis for questioning a judge's impartiality. *Liteky v. United States*, 510 U.S. 540, 555 (1994). And Harris has not identified any of the limited circumstances that might suggest judicial bias. See *United States v. Williams*, 949 F.3d 1056, 1061 (7th Cir. 2020).

Harris next challenges a narrow ruling early in the proceedings—the court's decision to grant Melchor an extension of time to answer the complaint. Harris asserts

that Melchor never justified his need for additional time. But this ruling also fell within the court's discretion. The court treated Melchor's delay as one of excusable neglect, a "somewhat 'elastic concept.'" *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 392 (1993); *Mayle v. State of Illinois*, 956 F.3d 966, 968–69 (7th Cir. 2020). Here, the court appropriately found Melchor's circumstances persuasive: Melchor seemed to have acted in good faith, his motion missed the deadline by only two days, the delay had minimal impact on the proceedings, and Harris's charge of prejudice was outweighed by the court's "strong policy preference for deciding cases on the merits." *See Cracco v. Vitran Exp., Inc.*, 559 F.3d 625, 631 (7th Cir. 2009).

We turn, then, to Harris's substantive arguments. Harris contends, with regard to the first traffic stop, that he possessed an exculpatory video—showing his use of a turn signal—which he did not know how to introduce into the record. But we see nothing in the record to suggest that Harris notified the court that he was having difficulty presenting his case. A court cannot help a litigant resolve a procedural problem that the court is unaware of. *See* FED. R. CIV. P. 56(d) (permitting nonmoving party to request more time for discovery, if he explains by affidavit or declaration why he cannot present essential evidence at the time); *Alicea v. Cnty. of Cook*, 88 F.4th 1209, 1219 (7th Cir. 2023). Regardless, Harris's argument fails. His failure to signal was only one of the reasons that supplied reasonable suspicion for Melchor to stop him; Melchor had also reported Harris's failure to have a visible license plate. An officer has a sufficient basis to stop a driver if the officer has a reasonable suspicion that the driver has committed a minor violation of traffic law, *see United States v. Jackson*, 962 F.3d 353, 357 (7th Cir. 2020), and a driver's failure to have a visible license plate violates Illinois law, *see* 625 ILCS 5/3-413(b). Given these circumstances, no reasonable jury could find that Melchor lacked reasonable suspicion to carry out the stop.

As for the March 2021 traffic stop, Harris argues that the district court misunderstood Illinois law by presuming that Illinois requires a person to signal when exiting a private parking lot. But this is incorrect. Illinois law does require drivers to signal when they make a turn, *see* 625 ILCS 5/11-804(a); *see also City of Highland Park v. Kane*, 991 N.E.2d 333, 339 (Ill. App. Ct. 2013), so Melchor had reasonable suspicion to pull Harris over for a minor traffic violation.

As for the November 2021 traffic stop, Harris argues that the district court misapplied Illinois's vehicle-and-title registration statute, 625 ILCS 5/3-413(a), when it determined that no reasonable factfinder could conclude that Harris did not commit a traffic violation when he displayed the license plate in his car's front windshield. He

maintains that Melchor lacked probable cause to pull him over because the statute does not explicitly state that he must display the license plate on his car's front bumper and not in the front windshield. But the state's vehicle-and-title registration law prohibits a driver from displaying the license plate in the front windshield of the car. *See* 625 ILCS 5/3-413(a); *People v. Parker*, 820 N.E.2d 1016, 1023 (Ill. App. Ct. 2004).

Harris also contends that the court overlooked a material dispute about whether Melchor smelled marijuana or a hemp product coming from the car. But this dispute is immaterial. First, Melchor had a sufficient basis to stop Harris because Melchor reasonably suspected that Harris had committed a minor traffic stop. *See Jackson*, 962 F.3d at 357. Second, while Illinois has legalized marijuana for recreational use, the state still restricts the use of marijuana while driving and requires marijuana to be packaged properly. *See United States v. Jackson*, 103 F.4th 483, 489 (7th Cir. 2024). And regardless of whether Melchor smelled marijuana or hemp (and Harris admits that the two have a very similar odor and appearance), the smell of what Melchor believed to be marijuana supplied probable cause for him to direct Harris to step out of the car for a search, *see id.* at 490—even if that belief turned out to be mistaken, *see Muhammad*, 900 F.3d at 909.

Harris next argues that the court overlooked another material dispute over whether he posed a danger to the officers when they discovered that he had a firearm. But because he did not inform the officers that he had a gun or a valid Firearm Owner's Identification Card and a Concealed Carry License, the officers—understandably concerned about their safety—were justified in detaining Harris for ten minutes while they determined whether his possession of the gun was lawful. *See Rabin v. Flynn*, 725 F.3d 628, 635 (7th Cir. 2013).

Finally, Harris asserts that the district court overlooked evidence that the City of Bloomington had a policy or pattern of training its officers to unconstitutionally stop drivers for not having registration plates on their cars. But he does not identify any such evidence to support a claim under *Monell*. 436 U.S. 658. As we have explained, the officers here had reasonable suspicion to conduct both traffic stops, so there was no underlying constitutional violation to support a *Monell* claim. *See Deeren v. Anderson*, 72 F.4th 229, 237 (7th Cir. 2023).

We have considered Harris's other arguments, and none merits discussion.

AFFIRMED