

**NONPRECEDENTIAL DISPOSITION**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**

Argued September 17, 2025

Decided July 28, 2026

**Before**MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2573

SELENE DANIELLE ARRIAGA,  
*Plaintiff-Appellant,**v.*THOMAS J. DART, et al.,  
*Defendants-Appellees.*Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.

No. 1:20-cv-04498

Virginia M. Kendall,  
*Chief Judge.***ORDER**

Selene Danielle Arriaga, a transgender police officer, sued Northeast Illinois Regional Commuter Railroad Corporation d/b/a Metra, Cook County, Thomas J. Dart, in his official capacity as Cook County Sheriff, and six individuals (collectively “Defendants”) for disclosing her transgender status and failing to protect her from workplace discrimination and harassment. Defendants moved for summary judgment, arguing there was no evidence for a reasonable jury to find for her on any of her claims. Defendants also moved for sanctions against Arriaga and her counsel. The district court granted both motions, and Arriaga now appeals. Finding no error, we affirm.

## I. BACKGROUND

We recount the following facts in the light most favorable to Arriaga and draw all reasonable inferences in her favor as the nonmoving party. *See Bostic v. Murray*, 160 F.4th 831, 836 (7th Cir. 2025).

### A. Factual History

Arriaga, a transgender woman, applied to be a Metra police officer in 2018. She also authorized Metra to obtain and release information related to her application for employment reasons. Metra required her to undergo a background check, a psychological evaluation, and a medical evaluation. As part of the background check, Metra received, among other things, a copy of Arriaga's birth certificate, which showed she was born male. Metra Police Chief Joseph Perez reviewed the background check, interviewed Arriaga, and recommended Metra hire her as a police recruit. Perez maintains he never discussed Arriaga's transgender status with anyone other than Metra Deputy Police Chief Paul Riggio.

Metra requires recruits to complete training at the Cook County Sheriff's Office Training Academy. Before Arriaga entered the Academy, Riggio ordered Metra Police Commander H. Ross Fuller to inquire into whether Cook County Sheriff's Office had policies to accommodate transgender recruits during training. Fuller then contacted Academy Sergeant David Cammack and explained that an incoming Metra recruit was transgender. The two discussed how the Sheriff's Office would evaluate Arriaga under the POWER test, which tests recruits' endurance to determine if they meet the physical qualifications to become a police officer, because the POWER test has different standards for evaluating men and women. It was later confirmed that a transgender recruit would be given the POWER test consistent with the recruit's gender identity.

Around that time, in April 2018, Cammack and Academy Director Marie Rangel took steps to ensure there were accommodations available for transgender recruits at the Academy, including gender neutral restrooms and shower facilities if the recruit required or requested them. Cammack also told his staff there was a transgender recruit starting with the incoming class and instructed that the confidentiality of such individual must be maintained. In doing so, Cammack "[a]t some point," during this time frame, disclosed Arriaga's identity. The purpose of these discussions with staff, according to Cammack, was to ensure Arriaga's safety, protection, and education, which Arriaga does not dispute.

Arriaga began training at the Academy in May 2018. By the end of June, she had disclosed her transgender status to three recruits. Also in June, Arriaga reported to the Academy that Officer Robert Devogear, a Sheriff's Office employee, had shared her transgender status with two Waukegan Police Department recruits in Arriaga's class and that a Mount Prospect Police Department recruit had learned Arriaga was transgender from Facebook. Arriaga discussed these events with Riggio and Cammack.

Pursuant to the Sheriff's Office policies prohibiting discrimination and misconduct, Cammack filed a complaint against Devogear with the Office of Professional Review ("OPR"). This referral resulted in an investigation into Devogear and the other recruits Arriaga reported. The Sheriff's Office assigned as lead investigator Deputy Chief Theodore Stajura, who received assistance from Timothy O'Donnell with the Office of Discipline, Compliance, and Inspections. They submitted the completed investigative file to OPR in December 2018 but, as of August 2018, that year's class of recruits had graduated and transitioned to their respective agencies. For the non-Sheriff's Office recruits, this meant the Sheriff's Office no longer had authority to discipline them.<sup>1</sup> As a result of the investigation, however, the Sheriff's Office recommended terminating Devogear's employment.

After graduating from the Academy, Arriaga began working at Metra. Metra's policies prohibited discrimination, and Metra instructed employees subjected to discrimination to file complaints with its Equal Employment Opportunity ("EEO") office. In October 2018, Riggio asked Arriaga how her training was going. She responded that "everything [was] great." Later that month, though, Arriaga reported to her sergeant that rumors were circulating within Metra about her transgender status. The sergeant elevated her concerns to Riggio and Perez, both of whom met with Arriaga a few weeks later. Perez then contacted EEO and asked it to provide additional training to Metra's police department. Arriaga did not elevate her complaints beyond the chain of command to the EEO during this period. When Perez later followed up with Arriaga, she told him everything was going well. Arriaga resigned from Metra in 2022, at which time she began training for a job with the Chicago Police Department.

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<sup>1</sup> Rangel testified that the Academy can, in some circumstances, discipline recruits from outside agencies if the recruits violate Sheriff's Office policies while at training. (See District Ct. Dkt. 218-7, Rangel Dep., at 65:14–67:3).

## **B. Procedural Background**

Arriaga sued Defendants in July 2020. She brought two claims under 42 U.S.C. § 1983 against all Defendants, alleging deprivations of her substantive due process rights for disclosing her confidential medical information and failing to protect and supervise. She asserted an Illinois Civil Rights Act claim against Dart and Metra. And she raised an indemnification claim against Cook County and Metra.<sup>2</sup>

Defendants later moved for summary judgment.<sup>3</sup> Metra and Perez also moved for sanctions under Rule 11 of the Federal Rules of Civil Procedure against Arriaga and her counsel, contending, in relevant part, that Arriaga was untruthful under oath and pressed claims she knew were time barred.

The district court granted both motions. The court concluded Defendants were entitled to summary judgment, reasoning that Arriaga's § 1983 claim for unlawful disclosure of her confidential medical information was time barred and that, in any event, no reasonable jury could find for Arriaga on any of her claims. It also granted the motion for sanctions. With respect to that motion, the court concluded Arriaga committed perjury when she testified during her deposition that she did not disclose her transgender status online because Arriaga had, in fact, posted in My Trans Life, a private Facebook group, with the following caption: "Been in transition 4 yrs now. Just got accepted to police Academy." The court also inferred Arriaga's intent was to provide false testimony because she left the My Trans Life group 45 minutes after her deposition. The court additionally determined that Arriaga and her counsel failed to dismiss the disclosure claim despite knowing it was time barred and that Arriaga thwarted the Defendants' efforts to obtain social media information. Those

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<sup>2</sup> She also raised three other claims that the district court dismissed that are not relevant to this appeal. Additionally, on appeal, Arriaga's brief references an "equal protection argument." (App. Dkt. 16, Arriaga Br., at 26). When asked at oral argument if she had raised an equal protection claim, her counsel did not know. (See Oral Argument at 12:42–13:06). Because Arriaga did not assert an equal protection claim in her complaint, (see generally District Ct. Dkt. 47), we do not address this theory of liability any further.

<sup>3</sup> By the time of the court's ruling, Riggio had deceased, so the court removed him as a defendant. (District Ct. Dkt. 151, Min. Entry).

considerations persuaded the court to grant the motion and dismiss the case with prejudice as a sanction.

Arriaga appealed.

## II. DISCUSSION

On appeal, Arriaga lodges a bevy of arguments against the district court's decisions. We conclude only two warrant discussion. First, we must evaluate whether the district court erred when it granted summary judgment on the merits of Arriaga's claims to Defendants. Second, we must decide whether the district court erred when it sanctioned Arriaga and her counsel. We address these in turn.

### A. Section 1983 Claims

Arriaga, invoking 42 U.S.C. § 1983, contends Defendants violated her substantive due process rights under the Fourteenth Amendment in two ways. Arriaga argues a reasonable jury could conclude Defendants disclosed her confidential medical information and failed to protect and supervise her, both in contravention of her Fourteenth Amendment due process rights. In Arriaga's view, the district court therefore erred in granting summary judgment on these claims to the Defendants.

We review de novo a district court's grant of summary judgment. *Paterakos v. City of Chicago*, 147 F.4th 787, 795 (7th Cir. 2025). Summary judgment is appropriate where "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." FED. R. CIV. P. 56(a). That is, summary judgment must be granted where no reasonable jury could return a verdict for the nonmovant based on the evidence taken in the light most favorable to her and with all reasonable inferences drawn in her favor. *Paterakos*, 147 F.4th at 795.

As relevant here, the Fourteenth Amendment's "Due Process Clause is violated by an infringement of a fundamental right through an abuse of government power that shocks the conscience of federal judges." *Hess v. Garcia*, 72 F.4th 753, 765 (7th Cir. 2023) (citation modified). Thus, to prevail on a § 1983 claim alleging a deprivation of substantive due process, a plaintiff must, with "careful description," establish a fundamental right or liberty that is "deeply rooted in this Nation's history and tradition" and the "conduct under color of state law that violated [that] fundamental right or liberty" was conscience shocking. *Nelson v. City of Chicago*, 992 F.3d 599, 604 (7th Cir. 2021) (citation modified).

That standard sets “a high bar.” *Id.* An abuse of government power that is merely tortious or even abhorrent does not shock the conscience. *See Tun v. Whitticker*, 398 F.3d 899, 902–03 (7th Cir. 2005). Only “the most egregious official conduct will satisfy this stringent inquiry.” *Jackson v. Indian Prairie Sch. Dist.* 204, 653 F.3d 647, 654 (7th Cir. 2011) (citation modified). “[B]ehavior that is shocking enough to sustain a substantive due process claim typically involves the use of intentional force against an individual’s person or the threat of such force.” *Robbin v. City of Berwyn*, 108 F.4th 586, 591 (7th Cir. 2024); *see Rochin v. California*, 342 U.S. 165, 172 (1952) (concluding that opening the petitioner’s mouth and forcibly extracting evidence he swallowed from his stomach shocked the conscience); *Hess*, 72 F.4th at 766 (concluding that an officer’s sexual assault under color of law is conscience shocking).

### 1. *Disclosure of Confidential Medical Information*

Arriaga contends she presented evidence from which a reasonable jury could find that Defendants’ disclosures of her transgender status in April 2018, June 2018, and October 2018 shocked the conscience. We disagree.

As an initial matter, this claim is likely time barred because, in this case, the applicable statute of limitations for a claim brought under § 1983 is two years and the alleged disclosures in April 2018 and June 2018 fall outside the two-year window given Arriaga filed suit in July 2020.<sup>4</sup> *See Mitchell v. Donchin*, 286 F.3d 447, 450 n.1 (7th Cir. 2002). And while the alleged October disclosure would be timely, Arriaga is unable to rely on it because she only complained to her sergeant that rumors were circulating within Metra about her transgender status and did not present evidence that any of the Defendants disclosed her transgender status.

In any event, assuming a fundamental interest is implicated, Arriaga has not shown that Defendants’ disclosures shocked the conscience. Not only did Arriaga authorize Metra to release information related to her employment application, Defendants who disclosed her transgender status did so for compelling reasons related to her employment. First, after Arriaga applied to Metra, Perez consulted with Riggio about her application. Second, Metra, through Fuller, spoke with Cammack and inquired about what accommodations the Academy had available for transgender recruits. The two discussed how Arriaga would be classified for evaluation under the

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<sup>4</sup> We review de novo whether an action is time-barred under a statute of limitations. *See Wilson v. Wexford Health Sources, Inc.*, 932 F.3d 513, 517 (7th Cir. 2019).

POWER test, which differentiates based on gender. Finally, Cammack told his staff that a transgender recruit was starting with the incoming class for the purpose of guaranteeing her safety and appropriate accommodations.

Arriaga did not present evidence demonstrating that these individuals, or any other Defendant, otherwise disclosed her transgender status. We would be remiss if we also did not emphasize that Arriaga, herself, disclosed her transgender status on a variety of occasions. On this record, no reasonable jury could find that Defendants' disclosures shocked the conscience.

## *2. Failure to Protect and Supervise*

Next, Arriaga asserts that she presented evidence from which a reasonable jury could find that Defendants' failure to supervise and protect her from workplace discrimination and harassment shocked the conscience.

Even if we assume Arriaga identified a fundamental interest with sufficient clarity, *see Glucksberg*, 521 U.S. at 721, we conclude no reasonable jury could find that Defendants' conduct shocked the conscience. With respect to Perez, after learning about Arriaga's concerns in October 2018, he reached out to her, met with her, and spoke with EEO about providing more training to Metra's police department. He then later followed up with Arriaga, and she told him everything was fine. This shows Perez acted reasonably in the face of Arriaga's concerns. To the extent she argues that Perez's failure to stop rumors from circulating at the Academy shocked the conscience, such inaction does not satisfy that high standard. *See, e.g., Robbin*, 108 F.4th at 591; *Hess*, 72 F.4th at 765–66.

We reach the same conclusion with regard to defendants Cammack, Rangel, Stajura, and O'Donnell. Cammack and Rangel ensured accommodations were available for Arriaga at the Academy. Cammack also initiated an investigation into Arriaga's allegations. Stajura and O'Donnell investigated the allegations, performed interviews, and their investigation resulted in the termination of Devogear's employment. As for Arriaga's contention that these defendants should have removed the recruits at the center of her allegations from the Academy, it also fails. By the time Stajura and O'Donnell completed their investigation, the recruits had already graduated from and transitioned out of the Academy, which meant the Sheriff's Office could no longer discipline them.

Still, Arriaga maintains that Defendants created the vulnerable situation she experienced at the Academy and Metra. Generally, the Fourteenth Amendment's Due Process Clause "does not impose upon the state a duty to protect individuals from harm by private actors." *D.S. v. E. Porter Cnty. Sch. Corp.*, 799 F.3d 793, 798 (7th Cir. 2015). But the "'state-created danger exception' ... applies when a state actor's conduct 'creates, or substantially contributes to the creation of, a danger or renders citizens more vulnerable to a danger [than] they otherwise would have been.'" *Id.* (quoting *Reed v. Gardner*, 986 F.2d 1122, 1126 (7th Cir. 1993)); *see also Johnson v. Edwards*, 164 F.4th 1074, 1081–82 (7th Cir. 2026). To prevail under this theory, a plaintiff must show, *inter alia*, that the state's failure to protect shocks the conscience. *See Johnson*, 164 F.4th at 1081–82. For reasons already explained, Arriaga did not present evidence from which a jury could find that Defendants' conduct shocked the conscience. So, her state-created danger argument fails on that element, too.

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Because Arriaga has failed to demonstrate that she suffered a constitutional violation at the hands of the individual defendants, her § 1983 *Monell* claims against Metra and Dart also fail. *See Swanigan v. City of Chicago*, 775 F.3d 953, 962 (7th Cir. 2015) ("If the plaintiff fails to prove a violation of h[er] constitutional rights in h[er] claim against the individual defendants, there will be no viable *Monell* claim [for municipal liability] based on the same allegations."); *see generally Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978). As such, the district court correctly granted summary judgment to Defendants on all of Arriaga's § 1983 claims.

## **B. Illinois Civil Rights Act Claim**

Arriaga also asserts an Illinois Civil Rights Act claim against Dart and Metra. To prevail under the Act, a plaintiff must show that a unit of local government subjected her to discrimination based on that person's race, color, national origin, or gender. *See* 740 ILL. COMP. STAT. 23/5. Illinois courts look to "federal civil rights statutes when interpreting the" Act. *Howard v. Cook Cnty. Sheriff's Off.*, 989 F.3d 587, 609 (7th Cir. 2021) (quoting *Cent. Austin Neighborhood Ass'n v. City of Chicago*, 1 N.E.3d 976, 980 (Ill. App. Ct. 2013)). Federal law—namely, Title IX and Title VII—prohibits discrimination based on gender. Under these statutes, liability lies only if a plaintiff shows "an official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient's behalf has actual knowledge of discrimination ... and fails adequately to respond," *Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274, 290 (1998) (Title IX), or an employer "knew or should have known about an employee's acts

of harassment and fails to take appropriate remedial action,” *Juarez v. Ameritech Mobile Commc’ns., Inc.*, 957 F.2d 317, 320 (7th Cir. 1992) (citation modified) (Title VII).

The district court correctly granted summary judgment on this claim to Dart and Metra. As discussed above, Arriaga did not present evidence that any individual defendant failed to adequately respond to her alleged discrimination. Rather, the record reveals that each time Arriaga raised concerns, officials reasonably addressed them. So, her claims against Dart and Metra on this score fail too.

### C. Sanctions

Finally, Arriaga challenges the district court’s decision, pursuant to Rule 11 of the Federal Rules of Civil Procedure, to sanction her and her counsel by dismissing her case with prejudice. Recall that the district court imposed the sanction for three reasons: Arriaga (1) was untruthful in her deposition, (2) brought the disclosure claim despite knowing it was time barred, and (3) thwarted Defendants’ efforts to collect social media posts. We review a district court’s decision to impose sanctions for abuse of discretion. *Hernandez v. Joliet Police Dep’t*, 197 F.3d 256, 264 (7th Cir. 1999). A district court abuses its discretion in imposing sanctions “when it fails to explain the basis for the sanctions; when it does not properly notify the offender that it is considering sanctions; or when its decision is based on an erroneous view of the law or a clearly erroneous assessment of the evidence.” *Vega v. Chicago Bd. of Ed.*, 109 F.4th 948, 954 (7th Cir. 2024).

The district court did not abuse its discretion when it imposed its sanction here. The court properly notified Arriaga and her counsel that it was considering sanctions, reasonably assessed the evidence, and concluded that Arriaga lied in her deposition. When asked if she disclosed her transgender status on social media before May 2018, Arriaga answered in the negative. But the evidence showed that Arriaga had posted about her transition in the My Trans Life Facebook group in April 2018. Moreover, the court inferred Arriaga’s intent was to provide false testimony from the fact that Arriaga left that group 45 minutes after her deposition. The court also reasonably concluded that Arriaga interfered with Defendants’ efforts to collect social media information. Arriaga does not disagree; instead, she merely clarifies it was SMS text messages, not social media posts, that she failed to turn over. This does not help her cause. And while we do not necessarily agree that bringing a time-barred claim warrants a sanction, we cannot conclude, when we consider all this, that the district court abused its discretion.

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### **III. CONCLUSION**

We have considered Arriaga's remaining arguments, but none merits discussion. For these reasons, we AFFIRM.