

NONPRECEDENTIAL DISPOSITION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 2, 2025*

Decided September 4, 2025

BeforeFRANK H. EASTERBROOK, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 25-1263

NATHAN JOHN HUIRAS,
*Plaintiff-Appellant,**v.*RACINE COUNTY, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 25-C-85

William C. Griesbach,
*Judge.***ORDER**

Nathan John Huiras alleges that several state officials violated his constitutional rights by initiating criminal charges against him in state court. *See* 42 U.S.C. § 1983. 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).

district court dismissed his complaint at screening for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B). We affirm.

Huiras brings this federal lawsuit alleging that he was maliciously prosecuted in state court. According to Huiras’s complaint and attached exhibits, this case stems from a proceeding in Wisconsin’s family court in which Andrew Patch, a “family court worker,” gave testimony that Huiras considered unfavorable. Huiras initiated a small-claims lawsuit against Patch and told him that he would drop the suit if Patch changed his testimony. Patch reported Huiras’s actions to Steven Beal, a police officer for the Racine Police Department. Beal filed an incident report stating that Huiras tried to intimidate Patch by filing a frivolous suit against him.

Shortly thereafter, an assistant district attorney in Racine, Kelly Larsen, filed criminal charges against Huiras for threatening Patch. Alice Rudebusch, the judicial court commissioner in Racine County Circuit Court who presided over the case, found probable cause that Huiras committed the crime. But after Patch refused to cooperate with the prosecution, Racine’s district attorney, Dirk Jensen, had the case dismissed.

Huiras sued Patch, Beal, Larsen, Jensen, Rudebusch, and Racine County for violations of his constitutional rights. *See* 42 U.S.C. § 1983. He asserted a claim for malicious prosecution under the Fourth Amendment and a claim of retaliation under the First Amendment (based on the criminal charges against him for filing the small-claims suit), as well as myriad state-law claims, including state-law malicious prosecution, defamation, negligent infliction of emotional distress, legal malpractice, negligence, and fraud.

The district court dismissed Huiras’s complaint at screening. *See* 28 U.S.C. § 1915(e)(2)(B). The court determined that Larsen and Jensen were immune for their prosecutorial actions and that Rudebusch was immune for her judicial actions. Next, the court ruled that Huiras failed to state a claim against Patch under 42 U.S.C. § 1983 because Huiras did not allege that Patch—whose actions were functionally equivalent to those of a private citizen—conspired with a state actor to deprive Huiras of his constitutional rights. The court also concluded that Huiras did not state a claim against Beal because Huiras did not allege that Beal induced the prosecutors to bring charges that they otherwise would not have initiated. Finally, the court explained, Huiras did not allege an underlying constitutional violation, so Racine County could not be liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

On appeal, Huiras first argues that Larsen and Jensen are not immune from liability because they acted outside the scope of their prosecutorial duties when they charged him for engaging in constitutionally protected conduct. But prosecutors like Larsen and Jensen are absolutely immune from liability under § 1983 for their core prosecutorial actions, *Bianchi v. McQueen*, 818 F.3d 309, 316 (7th Cir. 2016), such as initiating a prosecution, *Lewis v. Mills*, 677 F.3d 324, 330 (7th Cir. 2012).

Huiras next maintains that Rudebusch should not be protected by judicial immunity because she was acting in her role as a court commissioner, not a judge, when she found that probable cause supported the charge against him. But absolute immunity “attach[es] primarily to judicial functions—not to the person or position,” *Brunson v. Murray*, 843 F.3d 698, 710 (7th Cir. 2016) (citing *Cleavinger v. Saxner*, 474 U.S. 193, 201 (1985)), and Rudebusch’s probable-cause assessment was a judicial function.

Huiras also challenges the district court’s conclusion that he did not state a claim against Patch. He asserts that Patch conspired with Beal to maliciously prosecute him. Significantly, however, he does not challenge the court’s determination that Patch acted functionally as a private citizen when he informed Beal about Huiras’s small-claims suit. A private citizen can act under color of state law if there is evidence of a concerted effort between that individual and a state actor. *Cooney v. Rossiter*, 583 F.3d 967, 970 (7th Cir. 2009). But “the mere act of furnishing information to law enforcement officers does not constitute joint activity,” *Spiegel v. McClintic*, 916 F.3d 611, 617 (7th Cir. 2019) (quotation omitted), and Huiras did not allege that Patch further coordinated with Beal beyond reporting Huiras’s threat.

Huiras reiterates that Beal maliciously prosecuted him. But a claim of malicious prosecution cannot lie against Beal because Huiras did not allege that the proceedings against him were commenced without probable cause. *See Thompson v. Clark*, 596 U.S. 36, 44 (2022).

Finally, Huiras maintains that Racine County’s policies facilitate retaliation against people who, like him, exercise their First Amendment rights to challenge county employees. But the county cannot be liable under *Monell* when there is no underlying constitutional deprivation. *See Gonzalez v. McHenry Cnty.*, 40 F.4th 824, 829–30 (7th Cir. 2022).

AFFIRMED