

NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 250793-U
NO. 4-25-0793
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
October 13, 2026
Carla Bender
4th District Appellate
Court, IL

BRADLEY WALTERS,	)	Appeal from the
Plaintiff-Appellant,	)	Circuit Court of
v.	)	Ogle County
THE OGLE COUNTY SHERIFF’S OFFICE,	)	No. 24LA27
Defendant-Appellee.	)	
	)	Honorable
	)	Clayton L. Lindsey,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Doherty and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court’s dismissal of plaintiff’s complaint under the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2024)).

¶ 2 In August 2024, plaintiff, Bradley Walters, filed a complaint pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2024)) against defendant, the Ogle County Sheriff’s Office (Sheriff’s Office). Plaintiff alleged the Sheriff’s Office failed to comply with FOIA requests and sought civil penalties. The Sheriff’s Office filed a motion to dismiss the complaint. In May 2025, the trial court dismissed plaintiff’s complaint.

¶ 3 On appeal, plaintiff argues the trial court erred in dismissing his complaint and denying him civil penalties. We affirm.

¶ 4 I. BACKGROUND

¶ 5 On August 27, 2024, plaintiff filed a complaint related to FOIA requests

submitted to the Sheriff's Office.

¶ 6

A. Plaintiff's Complaint

¶ 7

Count I of the complaint alleged plaintiff filed a FOIA request on May 21, 2024, requesting (1) a printed copy of the Federal Performance-Based Detention Standards (Federal Detention Standards) and (2) a printed copy of the "Core Detention Standards." Plaintiff's FOIA requests were attached to the complaint. Plaintiff also attached to the complaint a copy of a "Modification of Intergovernmental Agreement" between the United States Marshal's Service (U.S. Marshals) and the Ogle County jail effective February 1, 2022. The agreement stated, "Federal prisoners shall be housed in a manner consistent with the [Federal Detention Standards] ***. These standards are set forth in Form USM-218 (provided as an attachment to this modification)." The agreement provided a web address where the Federal Detention Standards could be found.

¶ 8

On May 28, 2024, the Sheriff's Office responded to plaintiff's request, and the response was attached to the complaint. The response stated:

"After reviewing what documents we have for the above mentioned information, the Ogle County Sheriff's Office has no record pertaining to the above referenced information. These Standards are provided through the Federal Government, not the Ogle County Sheriff's Office."

¶ 9

Plaintiff alleged he submitted a request using the inmate kiosk system, which confirmed the Federal Detention Standards were used for federal detainees. Plaintiff then filed a federal Freedom of Information Act (5 U.S.C. § 552 (2018)) request with the National Archives and was provided a copy of the Federal Detention Standards.

¶ 10

Plaintiff contended the Sheriff's Office violated FOIA by not providing the

documents. He argued the Sheriff's Office possessed the Federal Detention Standards because it had been " 'prepared for' " the agreement with the U.S. Marshals and was " 'used by' " officers in the jail. Plaintiff also asserted the Sheriff's Office's response violated FOIA by not including information on the right to review by the Public Access Counselor.

¶ 11 Count II alleged plaintiff filed two FOIA requests with defendant requesting copies of (1) the " 'Inmate Handbook dated 5/28/24' " and (2) " 'all documents submitted to the U.S. Marshals Service regarding [his] medical appointment with Dr. Norem, on or about the date of 5/15/24.' " Plaintiff attached the Sheriff's Office's response, dated July 11, 2024, to these requests, which stated the following:

"As stated in the previous response letter dated 6/26/2024, this public body is treating each aforementioned request as a request under subsection (g) of Section 2 of [FOIA]. As such, please be advised that this public body does not require any additional time to provide the requested records listed in each of the aforementioned FOIA requests. However, copy fees in the estimated amount of \$10.05 must be paid in full before the process of copying the requested documents will occur, as this public body has provided you with copies of requested records for previous FOIA requests, free of charge, in an amount that far exceeds the 50 free pages listed in subsection (b) of Section 6 of [FOIA]. The documents for the FOIA requests received on 6/18/2024 will be provided upon receipt of payment in the amount of \$10.05, for copy fees."

¶ 12 Plaintiff contended the Sheriff's Office violated FOIA by charging him fees for the requested documents.

¶ 13 As to both counts, plaintiff alleged the Sheriff's Office "purposely and

maliciously with deliberate indifference denied the Plaintiff's FOIA request to hide documents concerning the Plaintiff." Plaintiff also alleged a violation of his civil rights and the conditions in which he was held in the Ogle County jail.

¶ 14 Plaintiff requested (1) declaratory relief that the Sheriff's Office "violated the Plaintiff's rights under the Constitution and Illinois law," (2) punitive damages in the amount of \$50,000, (3) a civil penalty in the amount of \$5,000 pursuant to section 11(j) of FOIA (5 ILCS 140/11(j) (West 2024)), and (4) recovery of his costs in filing this action.

¶ 15 B. Defendant's Motion to Dismiss

¶ 16 The Sheriff's Office filed a motion to dismiss plaintiff's complaint pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2024)). It argued plaintiff failed to plead facts upon which relief can be granted.

¶ 17 The Sheriff's Office argued, in count I, plaintiff requested records he was not entitled to under FOIA. It pointed out the Federal Detention Standards and "Core Detention Standards" were available online, and it did not maintain or prepare the records. The Sheriff's Office also noted the Ogle County Jail Inmate Handbook in count II was available to plaintiff in the Ogle County jail's library, and it had provided plaintiff with copies of his medical records in Ogle County case No. 24-LA-19 pursuant to a court order.

¶ 18 As to both counts, the Sheriff's Office argued plaintiff failed to comply with section 2-603(b) of the Code (*id.* § 2-603(b)), which requires that "[e]ach separate cause of action upon which a separate recovery might be had shall be stated in a separate count." It argued plaintiff "merely state[d] broad and conclusory statements throughout his Complaint. In no way does his Complaint apprise the Defendant what exactly it is that the Plaintiff is seeking relief from." The Sheriff's Office did acknowledge plaintiff's argument it violated FOIA by attempting

to charge plaintiff fees, but it contended plaintiff had previously filed 14 FOIA requests, “resulting in over hundreds of uncharged pages, far exceeding the 50-page limit.”

¶ 19 Finally, the Sheriff’s Office argued that, insofar as plaintiff was attempting to frame his complaint as a violation of his civil rights under Section 1983 of the federal Civil Rights Act (42 U.S.C. § 1983 (2024)), *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 694 (1978), required he demonstrate a custom or policy of the Sheriff’s Office led to a violation of his civil rights. The Sheriff’s Office argued, “Plaintiff’s conclusory allegations do not contain any facts to even help identify the claims that he attempts to make, let alone any that rise to the standard required to state such claims.”

¶ 20 C. The Trial Court’s Ruling

¶ 21 Plaintiff filed a response to the Sheriff’s Office motion to dismiss, which included a motion for summary judgment. In response, the Sheriff’s Office noted, among other points, plaintiff included additional facts in his response that were not included in the original complaint and should be disregarded.

¶ 22 At a hearing on May 16, 2025, after oral argument, plaintiff tendered written argument to the trial court and defense counsel, and the court granted the Sheriff’s Office an opportunity to respond and took the matter under advisement. (We note, no transcript of the hearing is included in the record on appeal.)

¶ 23 In its response, the Sheriff’s Office observed plaintiff had received all requested records or the records were available to him in the Ogle County jail library system, and his complaint was therefore moot. The Sheriff’s Office also reiterated its argument it was entitled to charge plaintiff fees for requested documents, as it had already provided plaintiff with more than 50 free pages in his prior FOIA requests.

¶ 24 On May 28, 2025, the trial court filed a written decision granting the Sheriff's Office's motion to dismiss. The court found plaintiff's complaint to be "confusing at best" and that it failed to allege how the Sheriff's Office's responses to his FOIA requests violated FOIA or "caused harm or damages" to plaintiff. Further, the court found plaintiff only made conclusory allegations the Sheriff's Office willfully and intentionally failed to comply with FOIA. The court also stated plaintiff's claims, "if any, [were] under the Illinois FOIA, not a Section 1983 claim for civil rights violation."

¶ 25 The trial court determined plaintiff's complaint should be dismissed with prejudice. The court found plaintiff had received all of the documents he requested, making his requests pursuant to FOIA moot. The court also determined the Sheriff's Office's responses did not amount to " 'willful or intentional' failure to comply" with FOIA, so no civil penalty was available. Finally, the court noted a federal court had ruled the Federal Detention Standards did not "give an inmate a private right of action to enforce the standards against the [Sheriff's Office]."

¶ 26 Plaintiff filed a motion to reconsider and requested the opportunity to file an amended complaint. Plaintiff also alleged he had not received a copy of the inmate handbook from May 28, 2024, as mentioned in count II of his complaint.

¶ 27 After a hearing on July 28, 2025, the trial court denied plaintiff's motion.

¶ 28 This appeal followed.

¶ 29 II. ANALYSIS

¶ 30 On appeal, plaintiff argues the trial court erred in granting the Sheriff's Office's motion to dismiss his complaint, as the Sheriff's Office violated FOIA by (1) not providing a copy of the Federal Detention Standards and (2) requesting copying fees before providing him

with copies of his medical records and the Ogle County Jail Inmate Handbook. Plaintiff also contends he is entitled to civil penalties in relation to each of his FOIA requests.

¶ 31 A. Dismissal Pursuant to Section 2-615

¶ 32 Plaintiff's amended complaint was dismissed under section 2-615 of the Code (735 ILCS 5/2-615 (West 2024)). A motion to dismiss under section 2-615 attacks the legal sufficiency of the complaint. *Grant v. State*, 2018 IL App (4th) 170920, ¶ 12. When a section 2-615 motion to dismiss is filed, the movant argues the facts pleaded by the plaintiff do not state a cause of action. *Id.*

¶ 33 When considering the sufficiency of a complaint on review, we construe its allegations "in the light most favorable to the plaintiff" and "accept as true all well-pleaded facts and all reasonable inferences that may be drawn from those facts." *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006). A trial court's ruling on a motion to dismiss pursuant to section 2-615 "may not consider facts outside the four corners of the complaint." *Liddle v. Salem School District. No. 600*, 249 Ill. App. 3d 768, 770 (1993). "A complaint should be dismissed under section 2-615 only if it is clearly apparent from the pleadings that no set of facts can be proved that would entitle the plaintiff to recovery." *Grant*, 2018 IL App (4th) 170920, ¶ 12.

¶ 34 Our review of an order granting a section 2-615 motion to dismiss is *de novo*. *Id.* Ultimately, "[w]e may affirm an order dismissing a complaint on any basis supported by the record, regardless of the trial court's reasoning." *Kucinsky v. Pfister*, 2020 IL App (3d) 170719,

¶ 34.

¶ 35 B. FOIA

¶ 36 FOIA governs the inspection of public records. 5 ILCS 140/1.2 (West 2024). The purpose of FOIA "is 'to open governmental records to the light of public scrutiny.' " *Watkins v.*

McCarthy, 2012 IL App (1st) 100632, ¶ 14 (quoting *Bowie v. Evanston Community Consolidated School District No. 65*, 128 Ill. 2d 373, 378 (1989)). Under FOIA, public records are presumed to be open and accessible. *Hosey v. City of Joliet*, 2019 IL App (3d) 180118, ¶ 9. FOIA must be liberally construed to achieve that goal. *Id.*

¶ 37 Unless subject to exemption, “[e]ach public body shall make available to any person for inspection or copying all public records.” 5 ILCS 140/3(a) (West 2024). A FOIA request must “reasonably identify a public record and not general data, information, or statistics.” *Chicago Tribune Co. v. Department of Financial & Professional Regulation*, 2014 IL App (4th) 130427, ¶ 33. “When a public body receives a proper request for information, it must comply with that request unless one of the narrow statutory exemptions applies.” *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 407 (1997). FOIA does not create an independent duty upon a public body to maintain or prepare a public record that it is not already legally required to keep, and “[t]he nonexistence of requested documents is a cognizable affirmative defense” to a FOIA claim. (Internal quotation marks omitted.) *Barner v. Fairburn*, 2019 IL App (3d) 180742, ¶ 12.

¶ 38 FOIA allows civil penalties when an agency’s failure to comply is willful or intentional. 5 ILCS 140/11(j) (West 2024). “ ‘[T]o warrant the imposition of a civil penalty under section 11(j), the public body not only must have intentionally failed to comply with the FOIA but must have done so deliberately, by design, and with a dishonest purpose.’ ” *Edgar County Watchdogs v. Joliet Township*, 2023 IL App (3d) 210520, ¶ 30 (quoting *Williams v. Bruscato*, 2021 IL App (2d) 190971, ¶ 14).

¶ 39 “[O]nce a public body provides the information requested under FOIA, even after a lengthy delay, the controversy over the public body’s production of [those] documents ceases

to exist,” and a plaintiff’s continued claim for the production of that information is moot. *Roxana Community Unit School District No. 1 v. Environmental Protection Agency*, 2013 IL App (4th) 120825, ¶ 41; see *Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 782 (1999); see also *Turner v. Joliet Police Department*, 2019 IL App (3d) 170819, ¶¶ 12-13 (affirming dismissal of FOIA claim as moot under section 2-619(a)(9) of the Code (735 ILCS 5/2-619(a)(9) (West 2016)) where the plaintiff had received the information he had requested from the Joliet Police Department).

¶ 40 C. This Case

¶ 41 The Sheriff’s Office argues on appeal that plaintiff’s FOIA claims are moot, as he has already received the requested documents.

¶ 42 An issue is moot when no actual controversy exists or where events occur making it impossible for the reviewing court to grant relief. *Commonwealth Edison Co. v. Illinois Commerce Comm’n*, 2016 IL 118129, ¶ 10. “ ‘As a general rule, courts of review in Illinois do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.’ ” *Id.* (quoting *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998)). As a matter of justiciability, mootness is not a mere technicality; the existence of a real, actual controversy is a prerequisite to the exercise of our jurisdiction. *In re Adoption of Walgreen*, 186 Ill. 2d 362, 365 (1999).

¶ 43 Illinois case law establishes once an agency provides the documents requested, even after a delay in violation of FOIA, the plaintiff’s “prayers seeking or concerning production are moot.” *Roxana School District*, 2013 IL App (4th) 120825 ¶ 42. Although a plaintiff’s claim for production of records and information may be moot where the plaintiff received the records requested, motions which are “ ‘ancillary to the underlying action’ ” are not. *Duncan Publishing*,

Inc., 304 Ill. App. 3d at 782. Ancillary issues under FOIA which may remain viable include a request for attorney fees under section 11(i) (5 ILCS 140/11(i) (West 2024)) and a request for a civil penalty under section 11(j) (*id.* § 11(j)). See *Roxana School District*, 2013 IL App (4th) 120825, ¶ 42.

¶ 44 1. *Medical Records and Jail Handbook*

¶ 45 Plaintiff acknowledged he received the requested medical records from the Sheriff's Office pursuant to a court order in Ogle County case No. 24-LA-24. Therefore, even if the Sheriff's Office had violated FOIA, there is no effectual relief we can grant plaintiff by directing the Sheriff's Office to produce the requested documents. We must dismiss plaintiff's argument for production of medical records as moot.

¶ 46 As for the jail handbook, the trial court's order in this case states, "[Plaintiff] acknowledged during oral argument that he has received the copy of the Ogle County Jail Inmate Handbook making his request moot." The record on appeal does not contain any transcripts, bystander's report, or agreed statement of facts. See Ill. S. Ct. R. 323 (eff. July 1, 2017). The burden is on the appellant to provide a sufficiently complete record on appeal, and in the absence of such a record, it will be presumed that the trial court's orders had a sufficient factual basis and were in conformity with the law. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts arising from the incompleteness of the record will be construed against the appellant. *Id.* at 392. Without a transcript to refute the court's finding, we must presume plaintiff did acknowledge he received the inmate handbook, and his claim is moot.

¶ 47 Although plaintiff received the records and the underlying actions for compliance with FOIA are moot, we must still resolve the ancillary issues. See *Roxana School District*, 2013 IL App (4th) 120825, ¶ 42. Here, plaintiff is *pro se* and therefore has no attorney fees. Plaintiff

also received a waiver of court fees. However, plaintiff requested a civil penalty, which remains viable. Therefore, we turn to whether plaintiff sufficiently alleged the Sheriff's Office willfully and intentionally failed to comply with his FOIA request.

¶ 48 At issue is whether section 6(b) of FOIA (5 ILCS 140/6(b) (West 2024)), which sets out the authority of public bodies to charge fees for the production of documents, is modified by a request or a requester. Section 6(b) provides, in relevant part, the following:

“Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records ***. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page.”

Id.

Plaintiff argues he is entitled to 50 free pages per request. The Sheriff's Office contends plaintiff, as a single requester, is entitled to 50 free pages total, and the Sheriff's Office is free to charge plaintiff regardless of how many requests he has submitted.

¶ 49 We need not determine which interpretation of section 6(b) is correct. The question is not whether the Sheriff's Office *correctly* charged plaintiff copy fees, but rather whether the Sheriff's Office *willfully and intentionally* violated FOIA by charging plaintiff copy fees. Here, we find the Sheriff's Office's interpretation of the fee provision was a good faith reading of the provision, as evidenced by our sister district recently interpreting the statute under the same reading in *Walters v. McHenry County Sheriff's Office*, 2025 IL App (2d) 250071-U, ¶ 19. In that case, the Second District determined a plaintiff's status as a single requester controlled, and the public body was permitted to charge the plaintiff for copies after 50 pages

regardless of how many separate and distinct requests he submitted. *Id.* We presume plaintiff is aware of this decision by our sister district, as he was also the plaintiff in that case.

¶ 50 Because the Sheriff's Office interpretation of the fee provision cannot be a willful and intentional violation of FOIA regardless of the correct reading of section 6(b), plaintiff failed to state a claim for a civil penalty, and the trial court correctly dismissed the request.

¶ 51 *2. Federal Detention Standards*

¶ 52 The Sheriff's Office also argues plaintiff's receipt of a copy of the Federal Detention Standards from the National Archives, which matched his original request, renders his request moot. We are hesitant to release a public body from its obligations under FOIA simply because a plaintiff managed to find another source for the requested documents. As discussed, "[t]he mootness doctrine is applied to FOIA claims once the requested records have been produced." *Turner*, 2019 IL App (3d) 170819, ¶ 12. However, we can find no case where the mootness doctrine has been applied when the plaintiff received the documents from some source other than the defendant. The broader implication that a public body should be excused for failing to produce documents simply because a plaintiff managed to find someone else with the requested information is untenable. We therefore turn to the merits.

¶ 53 Plaintiff requested the Sheriff's Office produce a printed "copy of the [Federal Detention Standards]." The Sheriff's Office timely responded to plaintiff's request stating the Sheriff's Office had "no record pertaining to the above referenced information" and informed plaintiff the Federal Detention Standards were "provided through the Federal Government, not the [Sheriff's Office]." "The nonexistence of requested documents is a cognizable affirmative defense" to a FOIA claim. (Internal quotation marks omitted.) *Barner*, 2019 IL App (3d) 180742, ¶ 12. The trial court determined the Sheriff's Office's response was accurate, as the documents

would be “prepared, generated, promulgated and maintained by the federal government.”

¶ 54 On appeal, plaintiff points to the intergovernmental agreement between the U.S. Marshals and the Sheriff’s Office for proof the Sheriff’s Office had obtained a copy of the Federal Detention Standards, and thus the FOIA response was false. However, the intergovernmental agreement never states the Federal Detention Standards were attached, only that “Form USM-218” was provided as an attachment. The agreement continues to explain the relevant portions of the Federal Detention Standards were “summarized in Form USM-218.” Plaintiff had specifically requested a printed copy of the Federal Detention Standards, not any records the Sheriff’s Office had relating to the Federal Detention Standards. A FOIA request must “reasonably identify a public record” (*Chicago Tribune Co.*, 2014 IL App (4th) 130427, ¶ 33), and we cannot find a public body failed to produce a document that was not requested. Therefore, the trial court did not err in dismissing plaintiff’s complaint for production of the Federal Detention Standards.

¶ 55 Plaintiff also requested civil penalties. Section 11(j) states a trial court may impose civil penalties where it “determines that a public body willfully and intentionally failed to comply with [FOIA].” 5 ILCS 140/11(j) (West 2024). It therefore follows that, where there has been no violation of FOIA, there can be no civil penalties.

¶ 56 III. CONCLUSION

¶ 57 For the reasons stated, we affirm the trial court’s judgment.

¶ 58 Affirmed.