

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) 251181-U
NO. 4-25-1181
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
September 3, 2026
Carla Bender
4th District Appellate
Court, IL

LOGAN DYJAK,	)	Appeal from the
Plaintiff-Appellant,	)	Circuit Court of
v.	)	Sangamon County
MARK ESTROP, SARA BROYLES, REBECCA	)	No. 24MR300
WILSON, ERIC STREET, HAROLD McGEATH,	)	
NICOLE DEPASQUALE, JANELLE BRUNER,	)	
SARAH KESSINGER, RHONDA DUNCAN, DAMION	)	
WALKER, HARVEY DANIELS, SURJIT SINGH,	)	Honorable
KATURI KRIPALARAN, and ERICA COOPER,	)	Christopher G. Perrin,
Defendants-Appellants.	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Doherty and Knecht concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court affirmed the trial court’s dismissal of plaintiff’s complaint where (1) plaintiff’s constitutional claims failed as a matter of law and (2) he had no express or implied private right of action under the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-100 *et seq.* (West 2024)).
- ¶ 2 Plaintiff, Logan Dyjak, appeals *pro se* from the dismissal of his complaint against defendants, Mark Estrop, Sara Broyles, Rebecca Wilson, Eric Street, Harold McGeath, Nicole Depasquale, Janelle Bruner, Sarah Kessinger, Rhonda Duncan, Damion Walker, Harvey Daniels, Surjit Singh, Katuri Kripalaran, and Erica Cooper, employees of the mental health facility in which plaintiff is a patient, for failure to state a claim. On appeal, he argues that the trial court erred in finding that (1) he was relitigating claims already litigated in a previous case filed in federal court, (2) there was no constitutionally protected right implicated in this case, and (3) he had no private

right of action for violations of the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-100 *et seq.* (West 2024)) (Code). For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4

Plaintiff was involuntarily committed to the Illinois Department of Human Services after he was found not guilty of first degree murder by reason of insanity (NGRI) in November 2012. See *People v. Dyjak*, 2025 IL App (5th) 200296-U, ¶ 2; *Dyjak v. Harper*, No. 3:18-CV-1011-MAB, 2022 WL 594861 (S.D. Ill. Feb. 28, 2022).

¶ 5

On August 6, 2024, plaintiff *pro se* filed a 25-count complaint against defendants, alleging various constitutional violations and violations of the Code. Plaintiff alleged he was a patient in a hospital in Springfield, Illinois, and he was internally transferred to a more secure environment for which he did not qualify. He explained he was initially hospitalized in a minimally secure civil hall, for which he was specifically approved. Defendants then “adopted a blanket policy of arbitrarily dissolving placement of residents in ‘least restrictive’ civil environments subsequent conversion of two minimally secure civil halls into secure ‘forensic’ halls.” Plaintiff further alleged that on March 12, 2024, defendants transferred him on an emergency basis to a secure forensic setting, for which he was not eligible, without a hearing. Plaintiff stated he was denied utilization review and second-level administrative review of his transfer.

¶ 6

He also alleged that his personal property was seized on May 29, 2024, after he was “subject to an individualized search, violently taken to the ground and injured, and placed in close restraints” by certain defendants. He claimed he was never provided written notice that the personal property that was seized was restricted or given a rationale for the seizure. He also alleged that video footage showed that “there was no immediate danger” requiring him to be taken to the ground and placed in restraints. Plaintiff alleged that he was again transferred on an emergency

basis to a different secure forensic unit without justification, and certain defendants apparently failed to recuse themselves from the subsequent utilization review hearing requested by plaintiff.

¶ 7 Plaintiff asserted 25 claims against defendants, including claims that defendants violated his constitutional rights to substantive and procedural due process under federal law (42 U.S.C. § 1983 (2024)), as well as various sections of the Code (405 ILCS 5/1-101.2, 1-114, 2-100, 2-102, 2-104, 2-108, 2-201, 3-207(b), 3-908, 3-910, 6-102 (West 2024)). He requested injunctive relief, as well as compensatory and punitive damages.

¶ 8 On May 6, 2025, defendants filed a motion to dismiss. They asserted that plaintiff failed to state a cause of action, as he had (1) no substantive or procedural due process rights to a hearing prior to a transfer within the same facility and (2) no private right of action to pursue state law claims under the Code. They additionally claimed that plaintiff's complaint was duplicative of, and thus barred by, a federal court complaint he previously filed and that he was not entitled to injunctive relief. Plaintiff filed a response in opposition to the motion on May 30, 2025, and defendants filed a reply in support of their motion on June 17, 2025.

¶ 9 On October 17, 2025, the trial court granted defendants' motion to dismiss plaintiff's complaint with prejudice. The court found that plaintiff's complaint failed to state a legally cognizable cause of action under Illinois law because (1) "institutionalized individuals do not possess a substantive due process right to select or remain in a particular housing unit within the same facility"; (2) plaintiff's allegations do not rise to the level of a constitutional violation because they are not "so egregious and outrageous as to 'shock the conscience' "; (3) none of plaintiff's cited state statutes confer a private right of action; (4) plaintiff's complaint was barred by the rule against claim splitting, as he brought claims arising from the same operative facts in federal court; and (5) plaintiff was not entitled to injunctive relief.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 On appeal, plaintiff asserts that the trial court erred in finding that (1) he was relitigating claims already litigated in a previous case filed in federal court, (2) there was no constitutionally protected right implicated in this case, and (3) he had no private right of action for violations of the Code. We note that while defendants did not file an appellee’s brief in this appeal, the record in this case is simple and we are able to decide the issues on appeal without the aid of an appellee’s brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 13 Defendants moved to dismiss the complaint pursuant to both sections 2-615 and 2-619 of the Code of Civil Procedure (735 ILCS 5/2-615, 2-619 (West 2024)). A motion to dismiss under section 2-615 “attacks the legal sufficiency of the complaint” and “raises the question of whether the complaint’s allegations, when viewed in the light most favorable to the plaintiff, sufficiently state a cause of action on which relief can be granted.” (Internal quotation marks omitted.) *Tate Road Solar 1, LLC v. County of Winnebago*, 2026 IL App (4th) 250873, ¶ 17. When ruling on a 2-615 motion, “the court only considers (1) those facts apparent from the face of the pleadings, (2) matters subject to judicial notice, and (3) judicial admissions in the record.” (Internal quotation marks omitted.) *Tate Road Solar 1, LLC*, 2026 IL App (4th) 250873, ¶ 17. “We review *de novo* a trial court’s ruling on a section 2-615 motion to dismiss.” *Tate Road Solar 1, LLC*, 2026 IL App (4th) 250873, ¶ 17.

¶ 14 A motion to dismiss under section 2-619 of the Code of Civil Procedure (735 ILCS 5/2-619 (West 2024)) “provides for the involuntary dismissal of a cause of action based on certain defects or defenses.” *Richter v. Prairie Farms Dairy, Inc.*, 2016 IL 119518, ¶ 18. “In ruling on the

motion, the circuit court must interpret all pleadings and supporting documents in the light most favorable to the nonmoving party.” *Richter*, 2016 IL 119518, ¶ 18. “A section 2-619 motion to dismiss presents a question of law, which we review *de novo*.” *Richter*, 2016 IL 119518, ¶ 18.

¶ 15 A. Claim Splitting

¶ 16 Plaintiff argues that the trial court erred when it found that his complaint was barred by the rule against claim splitting based on his “substantially identical lawsuit in the United States District Court for the Central District of Illinois, *Dyjak v. Rawlings, et al.*, Case No. 24-3189-SLD”. We agree that the record does not support dismissal on this specific basis.

¶ 17 The supreme court has explained that “the principle that *res judicata* prohibits a party from seeking relief on the basis of issues that could have been resolved in a previous action serves to prevent parties from splitting their claims into multiple actions.” *Hudson v. City of Chicago*, 228 Ill. 2d 462, 471-72 (2008). This principle has been applied to mean that “a plaintiff who splits his claims by voluntarily dismissing and refiling part of an action after a final judgment has been entered on another part of the case subjects himself to a *res judicata* defense.” *Hudson*, 228 Ill. 2d at 473. However, critically, “[a] nonfinal order cannot bar a subsequent action.” *Richter*, 2016 IL 119518, ¶ 40. In *Richter*, the supreme court held that where the initial lawsuit “was dismissed with leave to file an amended complaint, there was no final adjudication on the merits of any of those three claims,” and “[w]ithout a final adjudication on the merits, the claim-splitting issues addressed in [*Rein v. David A. Noyes & Co.*, 172 Ill. 2d 325 (1996),] and *Hudson* are not presented here, and *res judicata* is not applicable.” *Richter*, 2016 IL 119518, ¶ 40.

¶ 18 Here, as far as the record on appeal shows, there was no final adjudication on the merits in the federal case. On October 28, 2024, the federal district court granted plaintiff’s motion for leave to file an amended complaint, which was docketed immediately, as it was attached to his

motion. The court then dismissed plaintiff's complaint without prejudice for failure to state a claim and granted plaintiff leave to amend within 30 days. According to defendants' motion to dismiss the complaint in this case, the district court granted plaintiff leave to file a second amended complaint on March 12, 2025. The record on appeal does not contain additional information about any further action taken in the district court since March 2025, and we are therefore not aware of any final adjudication on the merits. Without such, there can be no *res judicata* and no claim-splitting issue. See *Richter*, 2016 IL 119518, ¶ 40. The trial court in this case thus erred in dismissing plaintiff's complaint on this ground.

¶ 19

B. Constitutional Claims

¶ 20

Plaintiff asserted in counts I and II of his complaint constitutional violations under section 1983 (42 U.S.C. § 1983 (2024)): (1) defendants violated his fourteenth amendment (U.S. Const., amend. XIV) right to substantive due process when they decided to treat him in a secure forensic setting based on a blanket policy rather than an individualized determination and (2) defendants violated his fourteenth amendment right to procedural due process when they transferred him on an emergency basis to a more restrictive environment, searched him and seized his property, and withheld from him the fair process to determine whether those decisions were based on professional judgments. He asserted that due to defendants' actions, he "suffered damages" and "will be irreparably harmed." On appeal, he argues that the trial court erred in dismissing these claims and finding that the complaint's assertions were insufficient to sustain a substantive due process claim, which "must be based on conduct so egregious and outrageous as to 'shock the conscience.' "

¶ 21

1. Substantive Due Process

¶ 22

The trial court dismissed defendant's substantive due process claim because it

found his allegations did not meet the requirement of “ ‘shock[ing] the conscience.’ ” The court did not provide any citation to authority for its conclusion that this standard applies. However, plaintiff contends, and defendants seemingly agreed in their motion to dismiss filed in the trial court, that the applicable standard is not whether defendants’ actions shocked the conscience but rather whether they constituted “accepted professional judgment” under *Youngberg v. Romeo*, 457 U.S. 307, 323 (1982).

¶ 23 *Youngberg* established that “[w]hen a person is institutionalized—and wholly dependent on the State—*** a duty to provide certain services and care does exist, although even then a State necessarily has considerable discretion in determining the nature and scope of its responsibilities.” *Youngberg*, 457 U.S. at 317. Specifically, an individual institutionalized in a State facility “enjoys constitutionally protected interests in conditions of reasonable care and safety, reasonably nonrestrictive confinement conditions, and such training as may be required by these interests.” *Youngberg*, 457 U.S. at 324. “In determining whether the State has met its obligations in these respects, decisions made by the appropriate professional are entitled to a presumption of correctness,” and “liability may be imposed only when the decision by the professional is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment.” *Youngberg*, 457 U.S. at 323-24.

¶ 24 Here, plaintiff alleged that he had been “specifically approved for placement in a minimally secure, civil, ‘least restrictive environment,’ rather than [in] a secure ‘forensic’ environment” and that his transfer from a civil to forensic unit was based on a “blanket policy” rather than an individualized assessment. He did not allege this “blanket policy” applied to anyone other than himself. Plaintiff has not made any allegations that would arguably overcome the

presumption that the professional judgment to place him in a more secure unit was correct. There is no authority mandating that this professional judgment for substantive due process purposes must be based on an individualized assessment. Ultimately, plaintiff has not alleged facts supporting a claim that defendants violated his right to substantive due process by transferring him between units within the same mental health facility.

¶ 25 *2. Procedural Due Process*

¶ 26 Although the trial court specifically discussed plaintiff's substantive due process claim when granting defendants' motion to dismiss, it did not specifically discuss plaintiff's procedural due process claim. Plaintiff claimed that his right to procedural due process was violated when defendants "withheld from Plaintiff fair process to determine whether the decisions to emergency transfer, seize the property of, search, takedown, restrain, and again emergency transfer Plaintiff were based upon professional judgments."

¶ 27 "Procedural due process claims challenge the constitutionality of the specific procedures used to deny a person's life, liberty, or property." *People v. Cardona*, 2013 IL 114076, ¶ 15. "The fundamental requirements of due process are notice of the proceeding and an opportunity to present any objections." *Cardona*, 2013 IL 114076, ¶ 15. "A procedural due process claim presents a legal question subject to *de novo* review." *Cardona*, 2013 IL 114076, ¶ 15.

¶ 28 "The first step in a procedural due process challenge is to determine whether an individual has been deprived of life or a protected liberty or property interest." *People v. Stanley*, 369 Ill. App. 3d 441, 448 (2006). "The second step is to determine what process is 'due' before such a deprivation may occur." *Stanley*, 369 Ill. App. 3d at 448. Plaintiff here fails on both steps.

¶ 29 Illinois courts have previously found that "there is no state-created liberty interest in treatment in the least restrictive environment or pass privileges as a mandatory form of mental

health treatment or services.” *C.J. v. Department of Mental Health & Developmental Disabilities*, 296 Ill. App. 3d 17, 27 (1998). *C.J.* thus dismissed the plaintiffs’ claim under section 2-619 of the Code of Civil Procedure where the plaintiffs alleged that the Department of Mental Health and Developmental Disabilities violated their procedural due process rights when it failed to treat them in the least restrictive setting. Plaintiff in this case has likewise failed to demonstrate that he has a liberty interest in treatment in the least restrictive setting.

¶ 30 Plaintiff also fails to allege in his complaint or assert in his brief on appeal what other process he was due and of which he was deprived. See *Cardona*, 2013 IL 114076, ¶ 22 (“In arguing that his right to procedural due process was violated, [the] defendant at no point suggests what specific procedural safeguards he should have received either instead of or in addition to those set forth above.”). In fact, he stated in his complaint that defendants granted his request for a utilization review hearing after his second emergency transfer. As a result, plaintiff does not sufficiently state a cause of action on which relief can be granted, and the trial court properly dismissed this claim.

¶ 31 C. Claims Under the Code

¶ 32 Plaintiff next argues that the trial court erred in dismissing his state law claims under the Code based on its finding that the Code does not grant an express private right of action. Plaintiff relies on *Montague v. George J. London Memorial Hospital*, 78 Ill. App. 3d 298, 303 (1979), to argue that the Code gives rise to an implied right of action.

¶ 33 Implying a right of action where none is expressly provided is an “extraordinary step” that should be done “only when it is clearly needed to advance the statutory purpose and when the statute would be ineffective, as a practical matter, unless a private right of action were implied.” (Internal quotation marks omitted.) *Rice v. Marathon Petroleum Corp.*, 2024 IL 129628,

¶ 26. Implying a private right of action is only appropriate when

“ ‘(1) the plaintiff is a member of the class for whose benefit the statute was enacted; (2) the plaintiff’s injury is one the statute was designed to prevent; (3) a private right of action is consistent with the underlying purpose of the statute; and (4) implying a private right of action is necessary to provide an adequate remedy for violations of the statute.’ ” *Rice*, 2024 IL 129628, ¶ 26 (quoting *Fisher v. Lexington Health Care, Inc.*, 188 Ill. 2d 455, 460 (1999)).

¶ 34 Plaintiff is correct that *Montague* concluded that one provision relating to discharge procedures for voluntarily admitted patients contains an implied right of action, specifically under what was then section 5-3 of the Illinois Mental Health Code of 1967 (Ill. Rev. Stat. 1975, ch. 91½, par. 5-3), now section 3-403 of the Code (405 ILCS 5/3-403 (West 2024)). The appellate court explained:

“We find in the public policy expression of concerns for individual liberty and the advancement of society’s interests contained in the Mental Health Code [of 1967] an analogous basis for recognizing the right of one who pursues the procedures set forth in section 5-3 to assert a civil action in damages as a remedy for violation of those statutory procedures. To hold otherwise would ignore the underlying public policy, disregard the clear legislative intent, facilitate questionable hospitalizations of those unable to assert for themselves their statutory and constitutional right to liberty, and advise the putative voluntary patient that the statutory assurance of release is transient, if not evanescent.” *Montague*, 78 Ill. App. 3d at 303.

¶ 35 Although plaintiff extrapolates a broad ruling from *Montague* that he believes extends to his case, *Montague* dealt with a specific section of the Mental Health Code of 1967

applicable to the discharge of voluntarily admitted patients. It did not address whether an implied right of action existed for the entirety of the statute or for a person who had been adjudicated NGRI. We acknowledge that in two cases the Illinois Appellate Court addressed the merits of NGRI plaintiffs' claims under sections 2-100, 2-102(a), and 2-202 of the Code. See *Lucas v. Peters*, 318 Ill. App. 3d 1, 8-13 (2000); *C.J.*, 296 Ill. App. 3d at 23-27. However, the issue of the source of the plaintiffs' right of action under the Code was not raised or addressed in those cases, and they are therefore not instructive as to whether plaintiff here has a private right of action.

¶ 36 Applying the factors outlined above, we conclude that the sections of the Code plaintiff claims defendants violated do not imply a private right of action for individuals who are subject to treatment after being found NGRI. The fourth factor is dispositive under these circumstances. A private right of action may only be implied when it "is necessary to provide an adequate remedy for violations of the statute." (Internal quotation marks omitted.) *Rice*, 2024 IL 129628, ¶ 26 (quoting *Fisher*, 188 Ill. 2d at 460). The Unified Code of Corrections, however, already provides an adequate remedy for any violations of the Code that may arise during an NGRI individual's commitment to a State facility.

¶ 37 After a defendant is found to be NGRI and determined to be in need of mental health services on an inpatient basis, the Unified Code of Corrections establishes that "the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the [Code]." 730 ILCS 5/5-2-4(b) (West 2024). After a defendant is admitted to a mental health facility, the director of that facility is directed by statute to "file a treatment plan report in writing with the court" within 30 days of admission and "every 90 days thereafter so long as the initial order remains in effect." 730 ILCS 5/5-2-4(b) (West 2024). This report must "include

an opinion as to whether the defendant is currently in need of mental health services on an inpatient basis” and must also

“summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant’s treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan.” 730 ILCS 5/5-2-4(b) (West 2024).

The Unified Code of Corrections also provides that a defendant “may file a petition for treatment plan review or discharge or conditional release under the standards of this Section in the Court which rendered the verdict,” and the court must hold a hearing on the petition within 120 days. 730 ILCS 5/5-2-4(e) (West 2024).

¶ 38 Plaintiff in this case thus clearly has an adequate remedy under the Unified Code of Corrections if he believes defendants have violated the Code in administering his mental health services. The Unified Code of Corrections establishes that the Code applies to his “admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge,” and that he may “petition for treatment plan review or discharge or conditional release.” 730 ILCS 5/5-2-4(b), (e) (West 2024). By filing a separate, civil lawsuit against defendants directly under the Code, plaintiff is attempting to circumvent the relief available to him in the trial court in which he was adjudicated NGRI. Under these circumstances, we decline to take the “ ‘extraordinary step’ ” of implying a right of action under the Code. See *Rice*, 2024 IL 129628, ¶ 26.

¶ 39

III. CONCLUSION

¶ 40 For the reasons stated, we affirm the trial court's judgment.

¶ 41 Affirmed.