NOTICE
Decision filed 11/13/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250041-U

NO. 5-25-0041

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

RODERICK T. ALLEN,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Randolph County.
	)	
v.	)	No. 23-MR-38
	)	
ANTHONY WILLS,	)	Honorable
	)	Lucas H. Liefer,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE CLARKE delivered the judgment of the court.
Justices Boie and Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err in dismissing the plaintiff's complaint for declaratory judgment and injunctive relief, where the plaintiff lacked standing against the named defendant and the plaintiff's claims against an "unidentified person" were void *ab initio*.

¶ 2 The plaintiff, Roderick T. Allen, is an inmate in the Illinois Department of Corrections (IDOC) and is housed at Menard Correctional Center (Menard). In October 2023 in the circuit court of Randolph County, the plaintiff filed a *pro se* complaint seeking declaratory judgment and injunctive relief. The defendants named in the action were Anthony Wills, who is the warden at Menard, and "Unidentified Person." Defendant Wills moved to dismiss the complaint. In November 2024, the circuit court reviewed the file and granted Wills's motion to dismiss. The plaintiff now appeals *pro se* from the circuit court's judgment. This court affirms.

¶ 3 I. BACKGROUND

¶ 4 In November 2007 a Cook County jury found the plaintiff guilty of first degree murder and home invasion. The plaintiff had fatally stabbed one of his sisters, Debbie Whitebear, inside the home that she shared with their mother. In January 2008 the trial court sentenced the plaintiff to consecutive 60-year and 25-year terms of imprisonment for murder and home invasion, respectively.

¶ 5 On direct appeal, the plaintiff, through counsel, presented various arguments. However, the Appellate Court, First District, rejected all of them and affirmed the judgment of conviction. *People v. Allen*, 401 Ill. App. 3d 840 (2010).

¶ 6 In the years following the direct appeal, the plaintiff filed, or sought to file, numerous petitions for relief under the Post-Conviction Hearing Act (735 ILCS 5/122-1 *et seq.* (West 2022)). He was uniformly unsuccessful. See *People v. Allen*, 2013 IL App (1st) 110747-U (affirming the trial court's summary dismissal of the plaintiff's initial postconviction petition); *People v. Allen*, 2015 IL App (1st) 140803-U (affirming the trial court's order that denied the plaintiff leave to file a second successive postconviction petition); *People v. Allen*, 2019 IL App (1st) 162985 (affirming the trial court's order that denied the plaintiff leave to file a third successive postconviction petition); and *People v. Allen*, 2025 IL App (1st) 220596-U (dismissing the plaintiff's appeal from the trial court's order that denied the plaintiff leave to file two successive postconviction petitions, where the plaintiff neither filed a timely notice of appeal nor timely sought leave to file a late notice of appeal).

¶ 7 On October 26, 2023, the plaintiff filed in the Randolph County circuit court the document that is the subject of the instant appeal—a *pro se* "motion for declaratory judgment and injunctive relief." Because this document did not seek a ruling or order in a pending case, but instead initiated

a separate proceeding, the document should have been designated a complaint. See 735 ILCS 5/2-602 (West 2022) ("The first pleading by the plaintiff shall be designated a complaint."). That designation will be used henceforth.

¶ 8 In the caption of the complaint, the defendants were Anthony Wills and "Unidentified Person." In the body of the complaint, the plaintiff identified Wills as the warden at Menard and described the "unidentified person(s)" as "prison officials/staff" at Menard. The plaintiff alleged that the unidentified persons were responsible for (1) the deletion of two "material phrases"—"listen to Mary Exson" and "look at the photos"—from the transcript of assistant State's attorney Scott Clark's rebuttal closing argument at the plaintiff's trial and (2) the interception of the plaintiff's legal mail, including his "Motion to Reconsider Denial of Leave to File Tenth [Ninth] Successive Petition," and the mail's resulting non-delivery to the Cook County trial court. The plaintiff did not allege any facts suggesting that defendant Wills personally engaged in, or even had knowledge of, any wrongdoing.

¶ 9 According to the plaintiff, he had a "legal interest" in the action for declaratory judgment because his ability to file a postconviction petition, complaining of due-process violations at his trial, had been "impeded" by the deletions from the transcript and by the failure of legal mail to reach the Cook County trial court. The plaintiff asserted that the deletion of the two phrases was "material to the claim that the State knowingly used perjured testimony and false evidence" to secure the plaintiff's conviction. Also, the plaintiff's "legal interest in motioning the trial court to reconsider its denial of leave to file the tenth [ninth] successive petition was prevented when the motion to reconsider failed to arrive at the trial court."

¶ 10 According to the plaintiff, money was the motive for the unidentified persons' wrongdoing. The plaintiff claimed that the unidentified IDOC personnel had "fraudulently hijacked" the probate

proceedings for the estate of his mother by "falsely claiming" to be the plaintiff's representative. The unidentified personnel had "thereby gained control over economic assets intended for the [plaintiff]." Thus, the unidentified IDOC personnel had a "monetary motive to oppose [the plaintiff's] efforts to be released from prison." The plaintiff did not offer any more specifics on how the IDOC personnel had "hijacked" the probate proceeding, or how they had kept their identities hidden.

¶ 11 The plaintiff asserted that he had exhausted his administrative remedies. He outlined his grievances and the administrative review board's decisions.

¶ 12 For relief, the plaintiff sought a court order that declared (1) that the plaintiff had a right to have a copy of his trial transcripts that was "free from deletions, substitutions, and omissions that occurred while the documents [were] in the custody of the IDOC"; (2) that the transcript had been altered so as to delete the phrases "listen to Mary Exson" and "look at the photo"; and (3) that the plaintiff's "Motion to Reconsider Denial of Leave to File Tenth [Ninth] Successive Petition" was timely filed and "would have arrived at the trial court if not for the interference of the IDOC." The plaintiff also sought an injunction that ordered (1) that the defendants admit to making deletions in the trial transcript, (2) that the defendants provide the plaintiff with record pages that had not been altered, (3) that the defendants admit to "intercept[ing]" the "Motion to Reconsider Denial of Leave to File Tenth [Ninth] Successive Petition" and forward the motion to the trial court, and (4) that the circuit court "take such actions as required" to pause the appeal in case No. 1-23-0244 so as to allow for consideration of the "Motion to Reconsider Denial of Leave to File Tenth [Ninth] Successive Petition" to its "full affect."

¶ 13 Attached to the plaintiff's complaint were affidavits from the plaintiff; copies of his written IDOC grievances; pages from the record and from discovery; letters from the plaintiff, from the

Illinois Attorney General, and from JPay LLC (JPay), regarding a dispute between the plaintiff and JPay; and various other documents. They shed little light on the plaintiff's claims.

¶ 14 On October 28, 2024, defendant Wills filed, through counsel, a motion to dismiss the plaintiff's complaint for declaratory judgment and injunctive relief. This motion was a combined motion to dismiss under sections 2-615 and 2-619 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615, 2-619 (West 2022)), permitted under section 2-619.1 of the Code (*id.* § 2-619.1).

¶ 15 On November 13, 2024, the circuit court entered a written order that dismissed the plaintiff's complaint for declaratory judgment and injunctive relief. The court found that (1) the plaintiff had failed to allege facts sufficient to state a cause of action and (2) the statute of limitations barred the plaintiff's allegations. On these grounds, the court dismissed the plaintiff's complaint under sections 2-615 and 2-619(a)(5) of the Code, respectively.

¶ 16 The plaintiff filed with the circuit court a motion to reconsider the dismissal order. Defendant Mills moved to dismiss the motion. On January 8, 2025, the circuit court entered a written order that denied the plaintiff's motion to reconsider.

¶ 17 On January 22, 2025, the plaintiff filed a *pro se* notice of appeal from the judgment that was entered on November 13, 2024. He thus perfected the instant appeal.

¶ 18 II. ANALYSIS

¶ 19 This appeal is from the circuit court's order that granted defendant Wills's motion to dismiss the plaintiff's *pro se* complaint for declaratory judgment and injunctive relief. The court granted the dismissal under sections 2-615 and 2-619 of the Code. This court reviews *de novo* a dismissal under either section of the Code. *Cahokia Unit School District No. 187 v. Pritzker*, 2021 IL 126212, ¶ 24. Under *de novo* review, this court may affirm the dismissal of a plaintiff's claim on any basis supported by the record, regardless of the circuit court's reasoning. *Süd Family Ltd.*

Partnership v. Otto Baum Co., 2024 IL App (4th) 220782, ¶ 41. This court applies the law and decides the issues anew, without deference to the circuit court. *Shulte v. Flowers*, 2013 IL App (4th) 120132, ¶ 17.

¶ 20 As a preliminary matter, defendant Wills, in his appellee's brief, suggests that this court should dismiss the plaintiff's appeal because the plaintiff's appellant's brief fails to comply with Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020). Rule 341(h) governs the form and content of an appellant's brief. The defendant alleges, for example, that the appellant's brief "mostly contains irrelevant and argumentative facts," and that it fails to "address or argue the issue on appeal—whether he alleged sufficient facts to state a claim against [the defendant]." See Ill. S. Ct. R. 341(h)(6), (7) (eff. Oct. 1, 2020). However, the striking of an appellant's brief, in whole or in part, "is a harsh sanction and is appropriate only when the alleged violations of procedural rules interfere with or preclude review." (Internal quotation marks omitted.) *In re Detention of Powell*, 217 Ill. 2d 123, 132 (2005). In the instant case, the appellant's brief contains various glaring shortcomings that give this court little assistance in understanding or resolving the issues. See *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 7. However, those shortcomings do not interfere with or preclude this court's review. Therefore, this court will not strike the appellant's brief and will not dismiss this appeal. At the same time, this court will disregard any inappropriate statement or argument made by the plaintiff in his appellant's brief. See *Walk v. Illinois Department of Children and Family Services*, 399 Ill. App. 3d 1174, 1180 (2010).

¶ 21 Section 2-615(a) allows a defendant to move to dismiss a complaint on the ground that the complaint is "substantially insufficient in law." 735 ILCS 5/2-615(a) (West 2022). "A section 2-615 motion to dismiss [citation] challenges the legal sufficiency of a complaint based on defects apparent on [the complaint's] face." *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006).

A section 2-615 motion admits as true all well-pleaded facts and all reasonable inferences from those facts, and it attacks only the legal sufficiency of the complaint. *In re Estate of Powell*, 2014 IL 115997, ¶ 12. Mere conclusions, unsupported by facts, are not accepted as true. *Id.* A complaint should be dismissed under section 2-615 of the Code only if it is clearly apparent from the pleadings that no set of facts can be proven that would entitle the plaintiff to recover. *Id.* The critical inquiry is whether the allegations of the complaint, when viewed in the light most favorable to the plaintiff, are sufficient to establish a cause of action on which relief may be granted. *Id.* "Moreover, Illinois is a fact-pleading jurisdiction. A plaintiff must allege facts sufficient to bring his or her claim within the scope of the cause of action asserted." *Beahringer v. Page*, 204 Ill. 2d 363, 369 (2003).

¶ 22 A motion to dismiss under section 2-619 of the Code also admits as true all well-pleaded facts and all reasonable inferences from those facts. *Cahokia Unit School District No. 187*, 2021 IL 126212, ¶ 24. However, a section 2-619 motion admits, in addition, the legal sufficiency of the claim. *Id.* ¶ 23. Crucially, a section 2-619 motion asserts defenses or defects outside the pleading that defeat the claim. *Id.* For example, under section 2-619(a)(9), "the claim asserted against the defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim." 735 ILCS 5/2-619(a)(9) (West 2022).

¶ 23 Declaratory judgments are governed by section 2-701 of the Code (*id*. § 2-701). Under section 2-701, the circuit court may make "binding declarations of rights, having the force of final judgments," in cases of "actual controversy." *Id.* § 2-701.

¶ 24 The three elements of an action for declaratory judgment are (1) a plaintiff with a tangible legal interest, (2) a defendant with an adverse or opposing interest, and (3) an actual controversy between the parties regarding those interests. *Beahringer*, 204 Ill. 2d at 372. "[T]he test of

sufficiency of a declaratory judgment action is whether the complaint 'alleges facts showing an actual or justiciable controversy between the parties and prays for a declaration of rights and other legal relations of the parties.' " *AG Farms, Inc. v. American Premier Underwriters, Inc.*, 296 Ill. App. 3d 684, 689 (1998) (quoting *La Salle Casualty Co. v. Lobono*, 93 Ill. App. 2d 114, 118 (1968)). An actual controversy is "a concrete dispute admitting of an immediate and definitive determination of the parties' rights, the resolution of which will aid in the termination of the controversy or some part thereof." (Internal quotation marks omitted.) *Id*. at 690.

¶ 25 Of course, the plaintiff must have standing before he can begin any court action. "Standing requires some injury in fact to a legally recognized interest." *Glazewski v. Coronet Insurance Co.*, 108 Ill. 2d 243, 254 (1985). "More precisely, the claimed injury, whether actual or threatened [citation], must be: (1) distinct and palpable [citation]; (2) fairly traceable to the defendant's actions [citation]; and (3) substantially likely to be prevented or redressed by the grant of the requested relief." (Internal quotation marks omitted.) *Greer v. Illinois Housing Development Authority*, 122 Ill. 2d 462, 492-93 (1988). In the context of a declaratory judgment action, in particular, there are two components of standing: (1) there must be an "actual controversy" between adverse parties and (2) the party seeking the declaratory judgment must be "interested" in the controversy. *Cahokia Unit School District No. 187*, 2021 IL 126212, ¶ 36. These components are drawn from the language of section 2-701 itself. See 735 ILCS 5/2-701 (West 2022).

¶ 26 When asserting claims against multiple defendants, the plaintiff must plead facts showing that each particular defendant acted and caused injury. *Rekosh v. Parks*, 316 Ill. App. 3d 58, 68 (2000), abrogated on other grounds by *Cochran v. Securitas Security Services USA, Inc.*, 2017 IL 121200. To recover against a supervisory official, a plaintiff must establish that the defendant was

personally responsible for the deprivation of a constitutional right; there is no principle of *respondeat superior* in constitutional tort actions. *Kucinsky v. Pfister*, 2020 IL App (3d) 170719, ¶ 73. A defendant is personally responsible only if the conduct causing the constitutional deprivation occurs at his direction or with his knowledge and consent; supervisors must know about the conduct and facilitate it, approve it, condone it, or turn a blind eye to it. *Id.*

¶ 27 Here, the defendant claimed injury in the form of being prevented from raising a due-process claim in a postconviction petition because unidentified IDOC employees allegedly had deleted two material phrases from a transcript of the trial prosecutor's rebuttal argument and because those employees allegedly had intercepted the plaintiff's legal mail and stopped its delivery to the Cook County circuit court. However, the plaintiff's complaint contains no factual allegation that defendant Wills was personally involved in any of the alleged wrongdoing, or that he knew or should have known of it. That is, the petition did not connect Wills's conduct, in particular, to the injury the plaintiff claims to have suffered. Therefore, the plaintiff's alleged injury was not fairly traceable to Wills's actions. See *Greer*, 122 Ill. 2d at 492-93. Due to this traceability defect, the plaintiff lacked standing in regard to Wills. Therefore, the court had good reason to dismiss the complaint as it related to Wills. In addition, given the absence of allegations regarding Wills's personal involvement in the wrongdoing, there could be no "actual controversy" between Wills and the plaintiff, and thus no standing in the declaratory-judgment context. See *Cahokia Unit School District No. 187*, 2021 IL 126212, ¶ 36. The circuit court did not err in granting, under section 2-619(a)(9), the motion to dismiss the plaintiff's complaint regarding Wills.

¶ 28 Also, since the plaintiff failed to allege, on the face of his complaint, facts suggesting that Wills was personally involved in the alleged wrongdoing that caused injury, he failed to allege that Wills had an interest that was opposed to the plaintiff's own interest, or that there was an actual

controversy between the plaintiff and Wills regarding their interests. See *Beahringer*, 204 Ill. 2d at 372. He therefore failed to state a cause of action for a declaratory judgment. Because these defects were apparent on the face of the complaint, dismissal of the complaint against Wills was also appropriate under section 2-615 of the Code.

¶ 29 As for the other defendant in this action—the "unidentified person" who was an IDOC employee—the claims against him or her were void *ab initio*. See *Bogseth v. Emanuel*, 166 Ill. 2d 507, 513-14 (1995) ("Illinois courts have historically and uniformly held that suits brought against fictitious parties are void *ab initio*."). "Underlying this prohibition is the tenet that a court only entertains subject matter jurisdiction over justiciable matters—a matter in controversy between an actual plaintiff and an actual defendant." *Id.* at 514. The circuit court did not err in dismissing the plaintiff's complaint against the "unidentified person."

¶ 30 III. CONCLUSION

¶ 31 For the foregoing reasons, this court affirms the circuit court's dismissal of the plaintiff's complaint for declaratory judgment and injunctive relief.

¶ 32 Affirmed.