

NOTICE
Decision filed 08/24/26. 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) 250237-U
NO. 5-25-0237
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).

CLEOTHER TIDWELL,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Perry County.
	)	
v.	)	No. 25-MR-4
	)	
ILLINOIS DEPARTMENT OF CORRECTIONS,	)	Honorable
	)	James W. Campanella,
Defendant-Appellee.	)	Judge, presiding.

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

ORDER

¶ 1 *Held:* We affirm the circuit court’s order dismissing the plaintiff’s complaint, as plaintiff cannot establish the Illinois Department of Corrections violated the Freedom of Information Act in response to his request.

¶ 2 Plaintiff, Cleother Tidwell, appeals the February 18, 2025, order of the circuit court of Perry County, dismissing his complaint against defendant, the Illinois Department of Corrections (IDOC). For the following reasons, we affirm the dismissal.

¶ 3 I. BACKGROUND

¶ 4 On February 18, 2025, plaintiff, acting *pro se*, filed a complaint against defendant alleging violations of the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2022)). Attached as exhibits to plaintiff’s complaint were a letter dated December 4, 2024, from the Illinois Department of Corrections (IDOC) FOIA officer to plaintiff (exhibit 1); page 2 of 10 of an IDOC

Administrative Directive with an effective date of April 1, 2015 (exhibit 2); a blank FOIA appeal form (exhibit 3); and a blank Illinois Department of Financial and Professional Regulation Complaint/Claim Intake Report (exhibit 4).

¶ 5 The complaint alleged that in December 2024, plaintiff submitted a FOIA request to IDOC “seeking the name of all medical personnel including CAN [*sic*], LPN, RN.” On December 4, 2024, the IDOC FOIA officer wrote to plaintiff responding to his request for “the list of all medical persons, CAN [*sic*], LPN, RN, who were employed at Pinckneyville Correctional Center for the months of August, June, July 2023.” Plaintiff’s request was denied because “pursuant to Section 7(1)(e-6) of the Freedom of Information Act which exempts the release of ‘records requested by persons committed to the Department of Corrections or a county jail if those materials include records from staff members’ personnel files, staff rosters, or other staffing assignment information.’ ” After receiving the denial, plaintiff alleges he “filed an appeal to IDOC,” and IDOC never responded to his appeal. In support of this allegation, plaintiff referenced exhibit 3 to the complaint; however, exhibit 3 is a blank appeal form. Next, plaintiff’s complaint contains allegations regarding an IDOC administrative directive regarding the requirement that medical personnel wear identification. Finally, plaintiff asserts,

“I am in a court seeking relief due to no fault of my own in a court which views a prisoners rights as frivolous and without merit, including a waste of judicial resources.

The one section of the FOIA which says that section 7 exemptions do no apply to seeking names in connection ‘to performance of duties’ I cannot quote but I do have somewhere in unrelated lawsuit filed by the plaintiffs in a Chicago Park District lawsuit for sexual harassment of underage female lifeguards by male lifeguards. (Judicial Notice).” Plaintiff also filed an application for waiver of court fees.

¶ 6 The circuit court reviewed plaintiff's filings and entered an order on February 18, 2025. The order granted plaintiff's motion to proceed *in pauperis*. Additionally, the circuit court dismissed plaintiff's complaint with prejudice because it found

“that Plaintiff cannot plead any set of facts regarding the issue of his entitlement to records under the Freedom of Information Act. Plaintiff's complaint is hereby dismissed with prejudice for the following reasons:

1. Plaintiff seeks for the Illinois Department of Corrections Freedom of Information Act officer to identify all medical people in an effort to identify those medical personnel that may have been involved in what the Plaintiff wants to complain of. Plaintiff seeks the names of all CNA's, LPN's, PA's and NP's in an effort to identify the same and file a formal complaint with the Illinois Department of Financial and Professional Regulations.

2. Chapter 5 of the Illinois Compiled Statutes 140/7(1)(e)(e-6) reads as follows: 'No inmate incarcerated in the Illinois Department of Corrections seeking information through the Freedom of Information Act shall have a right to any records that relate to or affect the security of correctional institutions and detention facilities. Further, those materials which include records from staff members' personnel files, staff rosters, or other staffing assignment information are hereby exempted from discovery under the Freedom of Information Act.

This Court hereby finds without any reservations whatsoever that the Plaintiff's request under the Freedom of Information Act, which has been declined and denied by the Illinois Department of Corrections, is succinctly exempted under the provisions of the Freedom of Information Act as stated above. As a result of the aforesaid, Plaintiff's suit is

hereby found to be patently frivolous and without merit and is hereby dismissed with prejudice.”

Plaintiff filed a motion for reconsideration on March 7, 2025, which was denied the same day.

Plaintiff filed a notice of appeal on March 24, 2025.

¶ 7

II. ANALYSIS

¶ 8 We note that plaintiff’s brief fails to conform to the supreme court rules governing briefs. Those rules require that an appellant’s brief contain a fact statement, “which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.” Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020). A brief “that fails to substantially conform to the pertinent supreme court rules may justifiably be stricken.” *Burrell v. Village of Sauk Village*, 2017 IL App (1st) 163392, ¶ 14.

¶ 9 Plaintiff’s statement of facts is highly argumentative and contains allegations of fact outside the record on appeal. The statement of facts contains *inter alia*, the following argumentative remarks:

“The FOIA officer used the Section 7 exemptions to deny my request. (C-14) which to me is ridiculous on a common sense level.”

* * *

I am continuing to push this issue because as a matter of ‘law’ I have a right to complain as a victim of a [sic] assault, and a battery, which was in all likelihood caught on the prison camera which is now being secreted by the prison, and therefore the nurse escapes review and/or investigation because according to IDOC, the FOIA, and a Judge,

the nurse name cannot be released to me and by extension nor to the IL. Dep't [sic] or Regulation (Aka) IDFPR. All i [sic] can say is WOW!

WOW!

WOW!

WOW!

WOW!

WOW!

WOW!

WOW!

WOW!

And another final WOW!"

"Any statement that is argumentative or made without reference to the record need not be considered by this court." *Bank of Chicago v. Park National Bank*, 277 Ill. App. 3d 167, 168 (1995). Further, "a reviewing court may not consider matters not of record." *People v. Newbolds*, 364 Ill. App. 3d 672, 676 (2006). Thus, we disregard the statement of facts provided by plaintiff in his appellant's brief when reviewing this matter and instead focus on the record on appeal.

¶ 10 Turning to plaintiff's argument on appeal, it again does not comply with the supreme court rules governing briefs. Rule 341(h)(7) requires the argument to "contain the contentions of the appellant and the reasons therefor, with citation of authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). "An issue not clearly defined and sufficiently presented fails to satisfy the requirements of Supreme Court Rule 341(h)(7) and is, therefore [forfeited]." *In re Detention of Lieberman*, 379 Ill. App. 3d 585, 610 (2007). "The fact that a party appears *pro se* does not relieve that party from complying as nearly as possible [with] the Illinois

Supreme Court Rules for practice before this court.” *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8.

¶ 11 Plaintiff’s brief argues the circuit court made a mistake by “dismissing my FOIA suit as Patently Frivolous and without merit.” He sets forth the following in support of that contention:

“As a prisoner doing 67 years presently, right now, since 1993 consecutively, no breaks, I have come to understand that an assault, and a battery are actually crimes in Illinois. Codified under.¹

But I personally cannot get the protection of those laws criminally nor as a tort because the IDOC and Judge Campanella pretty much said sucks-to-be-you-Mr-Tidwell. The Freedom of Information Act exempts the nurse [sic] name who allegedly committed your assault and battery as a matter of ‘law’ remains anonymous and secreted. I personally take this as personal and persecution. the [sic] IDFPR found nurse Erin Mears-Attig liable for assaulting a [sic] inmate at Menard prison. And under the facts alleged in my complaint I, too, should be able to send this instant nurse’s name to the IDFPR, too, for the same relief. Unfortunately for me Pinckneyville prison does not enforce it’s own directives 03.02.110 because according to Judge Campanella, they don’t have to do so because the IDOC directives are not ‘law.’ I do not know how else to fill this section out. I cannot find any similar case law nor recorded complaints like this issue. Im [sic] stunned baffled and simply amazed at all the levels of immunity provided to this one anonymous nurse.”

¹This is not a typographical error; the statement of facts does not continue regarding any codification.

¶ 12 Plaintiff did not provide any citations to authority or make an argument regarding the underlying complaint and FOIA request. Accordingly, any argument regarding the dismissal of the complaint is forfeited.

¶ 13 Finally, we note that the present appeal is frivolous. “An appeal is deemed frivolous if a reasonable, prudent attorney acting in good faith would not have brought it.” *Edwards v. City of Henry*, 385 Ill. App. 3d 1026, 1039 (2008). After making his initial FOIA request, plaintiff was advised of the specific exemption that prevented the disclosure of the information he requested. Despite this, he filed a complaint in the circuit court, which dismissed the complaint based on the same exemption and noted that the case was frivolous and without merit. Then on appeal, plaintiff asserts his displeasure with the exemption and the court process without actually briefing the underlying issue. None of which a reasonably prudent attorney acting in good faith would have advanced.

¶ 14 III. CONCLUSION

¶ 15 For the reasons stated above, we affirm the decision of the circuit court.

¶ 16 Affirmed.