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**FILED**  
12/10/2024 DD  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

	)	
	)	<b>Case Number:</b>
Plaintiff	)	
	)	<b>Judge:</b>
v.	)	
	)	<b>Magistrate Judge:</b>
	)	
Defendant	)	

**December 10, 2024**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

**Thomas E. Camarda,  
Plaintiff-Appellant,**

**v.**

**Elizabeth Whitehorn, Dana Kelly, Kiran Mehta,  
in their individual capacities, and  
John Doe(s) 1-10,  
Defendants-Appellees.**

Case No.: 3:24-cv-50466

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff-Appellant **Thomas E. Camarda**, proceeding pro se, respectfully appeals to the **United States Court of Appeals for the Seventh Circuit** from the Order entered on **December 10, 2024**, dismissing his claims under **42 U.S.C. § 1983**, terminating the case, and failing to address clear and overwhelming evidence of constitutional violations, procedural irregularities, and systemic abuse of state enforcement mechanisms.

**I. The District Court's Failure to Address Evidence or Allow Plaintiff to Be Heard**

**1. Ignored Comprehensive Evidence:**

Despite Plaintiff-Appellant submitting meticulously documented evidence in the form of **Exhibits A-E, X-Z, and AA-AE**, the District Court summarily dismissed the case without reviewing or considering these exhibits in its written order. These exhibits include direct evidence of:

- Procedural Due Process Violations: Premature tax offsets and unlawful levies without notice or hearing, as evidenced in **Exhibit Z**.
- Fraudulent Bankruptcy Filings: False records submitted by the Defendants to justify enforcement actions, as detailed in **Exhibits AA and AB**.
- UCC Violations: Unlawful financial claims by the Defendants, thoroughly documented in **Exhibits AC and AE**.

The dismissal without engaging with this compelling evidence constitutes a violation of Plaintiff's fundamental right to have his claims meaningfully heard and adjudicated.

**2. No Issuance of Summons:**

The District Court failed to issue summons to the Defendants, depriving Plaintiff of his right to confront those who violated his constitutional rights. This failure to initiate the adversarial process leaves Plaintiff's claims unaddressed and allows Defendants to evade accountability for their actions.

**3. Denied Plaintiff the Opportunity to Be Heard:**

The District Court dismissed Plaintiff's claims without permitting him to argue or present his case, violating the basic tenets of procedural fairness under **Mathews v. Eldridge**, 424 U.S. 319 (1976). The court's refusal to hear Plaintiff's claims, despite their constitutional magnitude, amounts to a denial of access to justice.

## **II. Gross Misapplication of Legal Doctrines**

**1. Rooker-Feldman Doctrine Misapplied:**

The District Court erroneously applied the Rooker-Feldman doctrine, failing to recognize that Plaintiff's claims challenge the **unconstitutional enforcement actions of state actors** and do not seek appellate review of any state court judgment. This misapplication of **Exxon Mobil Corp. v. Saudi Basic Industries Corp.**, 544 U.S. 280 (2005) deprived Plaintiff of his right to pursue federal remedies for federal violations.

**2. Improper Invocation of the Domestic Relations Exception:**

The court improperly relied on the domestic relations exception, ignoring binding precedent in **Ankenbrandt v. Richards**, 504 U.S. 689 (1992), which limits the exception to cases involving divorce, alimony, or custody decrees. Plaintiff's claims—focused on due process, unlawful seizures, and systemic abuse—are far removed from any domestic relations matter.

### III. Systemic Constitutional Violations Ignored

1. **Fourteenth Amendment:**

Defendants deprived Plaintiff of his property through unlawful levies and offsets without notice or opportunity to be heard, violating his procedural due process rights under the Fourteenth Amendment.

2. **Fourth Amendment:**

The seizure of Plaintiff's tax return and bank accounts without proper notice constitutes an unreasonable seizure, violating the Fourth Amendment.

3. **Eighth Amendment:**

The excessive enforcement actions taken by the Defendants, including the seizure of Plaintiff's entire tax return and bank accounts, amount to excessive fines prohibited under the Eighth Amendment.

4. **First Amendment Retaliation:**

The Defendants' continued actions, even after receiving formal legal notices, suggest a pattern of retaliatory behavior to suppress Plaintiff's efforts to exercise his rights under the First Amendment.

### IV. The Weaponization of State Mechanisms

The Defendants weaponized child support enforcement mechanisms to inflict disproportionate harm on Plaintiff, ignoring constitutional safeguards and procedural requirements. This systemic abuse includes:

- **Unlawful UCC Violations:** Defendants ignored their UCC obligations and improperly challenged Plaintiff's valid UCC filings, as documented in **Exhibit AE**.
- **Fraudulent Bankruptcy Records:** Defendants knowingly submitted false information to justify enforcement actions, as evidenced in **Exhibits AA and AB**.
- **Premature and Unauthorized Tax Offsets:** Defendants executed offsets without issuing legally required notices, as detailed in **Exhibit Z**.

These actions have left Plaintiff unable to meet basic living expenses, jeopardizing his ability to pay rent, avoid eviction, and maintain employment. Meanwhile, the recipient of child support lives in relative luxury, underscoring the inequity of the system.

## **V. Relief Sought**

Plaintiff-Appellant seeks:

1. Reversal of the District Court's dismissal and remand for further proceedings.
2. An order directing the issuance of summons and allowing Plaintiff's claims to proceed to discovery and trial.
3. Judicial recognition of the systemic constitutional violations inherent in the Defendants' actions.
4. Compensatory and punitive damages for the harm caused by Defendants' unlawful actions.
5. Injunctive relief to prevent future abuses.

## **VI. Conclusion**

The District Court's dismissal is a grave miscarriage of justice, reflecting a failure to engage with overwhelming evidence of constitutional violations and systemic abuse. By disregarding Plaintiff's exhibits, failing to issue summons, and refusing to hear Plaintiff's claims, the court has denied Plaintiff his fundamental right to a fair trial. This appeal seeks to correct these errors, hold the Defendants accountable, and ensure that constitutional protections are upheld for all citizens.

**Respectfully submitted,**

/s/ Thomas E. Camarda

**Thomas E. Camarda**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

THOMAS CAMARDA,	)	
Plaintiff,	)	
	)	
v.	)	No. 24 CV 50466
	)	Judge Iain D. Johnston
ELIZABETH WHITEHORN, DANA KELLY, and	)	
KIRAN MEHTA, and JOHN DOE(S) 1-10,	)	
in their individual and official capacities,	)	
Defendants.	)	

**ORDER**

The Court previously dismissed plaintiff Thomas Camarda’s complaint, and gave him leave to amend to attempt to state claims against the individual defendants in their individual capacities under 42 U.S.C. § 1983, claims the Court had dismissed without prejudice. The Court dismissed the remaining claims with prejudice, except for state law claims that the Court declined to exercise supplemental jurisdiction to hear in the absence of any remaining federal claims.

Before the Court is Mr. Camarda’s amended complaint. Dkt. 9. He has also filed a motion for a temporary restraining order, Dkt. 12, and his application for leave to proceed in forma pauperis remains pending, Dkt. 3. As with his original complaint, because Mr. Camarda is seeking leave to proceed in forma pauperis, under 28 U.S.C. § 1915(e)(2), the Court must screen the amended complaint and dismiss any part that fails to state a claim on which relief may be granted. Because Mr. Camarda is proceeding *pro se*, the Court will liberally construe his allegations. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

Mr. Camarda once again raises claims against defendants Elizabeth Whitehorn, Dana Kelly, and Kiran Mehta, this time in only their individual capacities. He alleges they violated his constitutional rights by unlawfully seizing his property by garnishing and levying his bank accounts, depriving him of procedural due process by failing to provide notice or a hearing, excessively fining him by imposing garnishments and levies that exceed statutory limits, and retaliating against him for asserting his rights. He also raises state law claims of intentional infliction of emotional distress and violations of the Uniform Commercial Code. He may also be raising state law claims of unjust enrichment and conversion—he mentions such claims, but they are not the subject of any of his numbered counts.

In support of his procedural due process claim, he alleges that “motions and pleadings were arbitrarily struck by the state court,” that his “special appearance to contest jurisdiction was ignored,” that the state court “entered a default judgment against Plaintiff without a fair hearing or meaningful opportunity to be heard.” Am. Compl. [9] at 6. He further alleges that Defendants relied on “defective and unconstitutional court orders to seize Plaintiff’s property through

garnishments, levies, and offsets” that “exceed[ed] consumer protection limits,” “ignor[ed] statutory requirements,” and threw him “into a financial crisis that spiraled into long-term instability” that has left him “living paycheck to paycheck.” *Id.* at 7-8. In a supplement to his amended complaint and in a separately-filed motion for a temporary restraining order, he notes that his tax refund from the IRS has been seized. Dkts. 10 at 1; 12 at 12. He asks for the immediate release of \$3,000 because “the complete financial depletion caused by Defendants has rendered him unable to meet basic needs.” Dkt. 13 at 2.

As with his original complaint, Mr. Camarda still fails to allege any specific conduct by each Defendant. An individual is liable under § 1983 only if she personally caused or participated in the constitutional violation alleged. *Gonzalez v. McHenry County, Illinois*, 40 F.4th 824, 828 (7th Cir. 2022). For Ms. Whitehorn, he alleges only that she “oversaw and directed the enforcement actions” taken against him. Am. Compl. [9] at 6. For Ms. Kelly, he alleges only that she “executed and supervised unconstitutional garnishments and levies.” *Id.* These types of vague allegations are insufficient to give the defendants notice of exactly what Mr. Camarda contends they did that violated his constitutional or any other rights. *See Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009); *see Safari Childcare Inc. v. Penny*, No. 17 CV 8547, 2018 U.S. Dist. LEXIS 147943, at \*6-7 (N.D. Ill. Aug. 30, 2018). For Ms. Mehta, he alleges that she “fabricat[ed] and conceal[ed] evidence in response to Plaintiff’s FOIA requests,” Am. Compl. [9] at 6, but that is specific only to the Freedom of Information claims the Court previously dismissed with prejudice, and specifies no conduct by Ms. Mehta to support his other claims. He has therefore failed to state claims against these three individuals.

In addition, although Mr. Camarda contends that his claims are limited to Defendants’ *enforcement* of child support orders, not the orders themselves, his allegations make clear that his federal claims all flow from his state court child support proceedings. Indeed, he alleges that “all subsequent enforcement actions” are “‘fruit of the poisonous tree,’” referring to the “Title IV-D court proceedings in Illinois.” *Id.* at 6. In essence he alleges that Defendants’ collection of the child support he owes has left him unable to meet his own basic needs, and led him to seek a temporary restraining order to free up \$3,000 “to cover necessary living expenses.” Dkt. 13 at 2. But that all goes directly to the amount of child support he owes as determined in the state proceeding. His amended complaint alleges no conduct by Defendants unauthorized by the child support orders entered by the state court. The Court did not reach the issue of the domestic relations exception when screening Mr. Camarda’s original complaint, but with the additional information from his amended complaint and supplemental material it does so now, and concludes that his claims are barred by the domestic relations exception. *See Dixon v. Rick*, No. 19-1138, 2019 U.S. App. LEXIS 31759 (7th Cir. Oct. 23, 2019) (due process and equal protection claims against state employees tasked with enforcing child support orders barred by domestic relations exception).

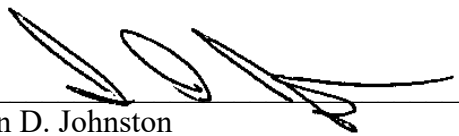
In his amended complaint, Mr. Camarda anticipates the domestic relations exception by relying on *United States v. Sage*, which he cites as being a decision of the Tenth Circuit from 2021 reported at 992 F.3d 1032. According to Mr. Camarda, under *Sage*, all child support enforcement actions “are subject to federal oversight when they violate constitutional protections or interfere with federal regulations.” Am. Compl. [9] at 4. The Court has found no such case. The closest is *United States v. Sage*, a decision of the Second Circuit from 1996 reported at 92

F.3d 101. But it offers Mr. Camarda no support as it addresses the constitutionality of the Child Support Recovery Act of 1992, a statute which criminalizes the failure to pay child support and which is not at issue in this case.

Accordingly, Mr. Camarda's claims against Defendants brought under 42 U.S.C. § 1983 are dismissed both for failure to state a claim and for lack of jurisdiction. The Court also dismisses the Doe defendants, whose names and conduct have not been alleged. In the absence of any remaining federal claims, the Court again declines to exercise jurisdiction over the state law claims and those are dismissed without prejudice. Mr. Camarda has now had two opportunities to plausibly allege claims against the defendants, the second coming after the Court advised him of the help available from both the Northern District of Illinois' webpage entitled "Information for People without Lawyers," and from the Hibbler Memorial Pro Se Assistance Program. Because it is clear from his amended complaint and supplemental filings that his claims all stem from alleged misconduct in his state court child support proceedings, despite his attempt to distinguish them as misconduct that arose solely during enforcement actions, this case is now terminated. The motions for leave to proceed in forma pauperis [3] and for a temporary restraining order [12] are denied as moot.

Date: December 10, 2024

By:

  
\_\_\_\_\_  
Iain D. Johnston  
United States District Judge



**United States District Court**  
**Northern District of Illinois - CM/ECF NextGen 1.8 (rev. 1.8.1) (Rockford)**  
**CIVIL DOCKET FOR CASE #: 3:24-cv-50466**  
**Internal Use Only**

Camarda v. Whitehorn et al  
Assigned to: Honorable Iain D. Johnston  
Referred to: Honorable Margaret J. Schneider  
Cause: 42:1983 Civil Rights Act

Date Filed: 11/15/2024  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Thomas E. Camarda**

represented by **Thomas E. Camarda**  
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Richmond, IL 60071  
(224) 279-8856  
Email: tcamarda@gmx.com  
PRO SE

V.

**Defendant****Elizabeth M. Whitehorn**

*In Her Official Capacity As Director Of  
Illinois Department Of Healthcare And  
Family Services, And In Her Individual  
Capacity*

**Defendant****Dana Kelly**

*In Her Official And Individual Capacity*

**Defendant****Kiran Mehta**


*In Her Official And Individual Capacity*

**Defendant****John Doe(s) 1-10**

*In Their Official And Individual Capacities*

Date Filed	#	Docket Text
11/15/2024	<u>1</u>	RECEIVED Complaint and 0 copies by Thomas E. Camarda (Attachments: # <u>1</u> Affidavit)(pg, ) # <u>2</u> Exhibit Part 1, # <u>3</u> Part 2) (jp, ). # <u>4</u> Part 3, # <u>5</u> Part 4) (jp, ). (Entered: 11/15/2024)
11/15/2024	<u>2</u>	CIVIL Cover Sheet (pg, ) (Entered: 11/15/2024)

11/15/2024	<u>3</u>	APPLICATION by Plaintiff Thomas E. Camarda for leave to proceed in forma pauperis (pg, ) (Entered: 11/15/2024)
11/15/2024	<u>4</u>	PRO SE Appearance by Plaintiff Thomas E. Camarda (pg, ) (Entered: 11/15/2024)
11/15/2024		CASE ASSIGNED to the Honorable Iain D. Johnston and Honorable Margaret J. Schneider. Designated as Magistrate Judge the Honorable Margaret J. Schneider. Case assignment: Direct assignment. (pg, ) (Entered: 11/15/2024)
11/15/2024		CLERK'S NOTICE: Pursuant to Local Rule 73.1(b), a United States Magistrate Judge of this court is available to conduct all proceedings in this civil action. If all parties consent to have the currently assigned United States Magistrate Judge conduct all proceedings in this case, including trial, the entry of final judgment, and all post-trial proceedings, all parties must sign their names on the attached <u>Consent To</u> form. This consent form is eligible for filing only if executed by all parties. The parties can also express their consent to jurisdiction by a magistrate judge in any joint filing, including the Joint Initial Status Report or proposed Case Management Order. (pg, ) (Entered: 11/15/2024)
11/22/2024	<u>5</u>	SUPPLEMENTAL Filing by Thomas E. Camarda. (vk) (Entered: 11/25/2024)
11/24/2024	<u>6</u>	EXHIBIT X by Thomas E. Camarda. (vk) (Entered: 11/25/2024)
11/29/2024	<u>7</u>	Explanation Of Exhibits by Thomas E. Camarda (pg, ) (Entered: 12/02/2024)
12/02/2024	<u>8</u>	ORDER: Plaintiff Thomas Camarda's complaint <u>1</u> is dismissed without prejudice. Any amended complaint is due 1/9/2025. The motion for leave to proceed in forma pauperis <u>3</u> is entered and continued. See attached ORDER for details. Signed by the Honorable Iain D. Johnston on 12/2/2024: (yxp, ) (Entered: 12/02/2024)
12/04/2024	<u>9</u>	RECEIVED Amended Complaint and 0 copies by Thomas E. Camarda (pg, ) (Entered: 12/04/2024)
12/04/2024	<u>10</u>	SUPPLEMENT to received complaint <u>9</u> (pg, ) (Entered: 12/04/2024)
12/04/2024	<u>11</u>	SUPPLEMENT to received complaint <u>9</u> (pg, ) (Entered: 12/05/2024)
12/04/2024	<u>12</u>	MOTION by Plaintiff Thomas E. Camarda for temporary restraining order (Attachments: # <u>1</u> Proposed Order)(pg, ) (Entered: 12/05/2024)
12/04/2024	<u>13</u>	SUPPLEMENT to motion for temporary restraining order <u>12</u> (pg, ) (Entered: 12/05/2024)
12/06/2024	<u>14</u>	Exhibit AC Summary by Thomas E. Camarda (pg, ) (Entered: 12/09/2024)
12/09/2024	<u>17</u>	Exhibit AD Summary by Thomas E. Camarda (pg, ) (Entered: 12/10/2024)
12/09/2024	<u>18</u>	Exhibit AE by Thomas E. Camarda (pg, ) (Entered: 12/10/2024)
12/10/2024	<u>15</u>	ORDER: Mr. Camarda's claims against Defendants brought under 42 U.S.C. § 1983 are dismissed both for failure to state a claim and for lack of jurisdiction. The Court also dismisses the Doe defendants, whose names and conduct have not been alleged. Because it is clear from his amended complaint and supplemental filings that his claims all stem from alleged misconduct in his state court child support proceedings, despite his attempt to distinguish them as misconduct that arose solely during enforcement actions, this case is now terminated. The motions for leave to proceed in forma pauperis <u>3</u> and for a temporary restraining order <u>12</u> are denied as moot. Civil case terminated. See the attached Order for details. Signed by the Honorable Iain D. Johnston on 12/10/2024: Mailed notice (yxp, ) (Entered: 12/10/2024)

12/10/2024	<u>16</u>	ENTERED JUDGMENT Mailed notice(yxp, ) (Entered: 12/10/2024)
12/10/2024	 <u>19</u>	MOTION by Plaintiff Thomas E. Camarda to set aside judgment (pg, ) (Entered: 12/10/2024)