NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 22, 2023[*]
Decided April 6, 2023

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 22-1612

BILL JAMES TURNER,[†] *Plaintiff-Appellant*,	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
v.	No. 20 C 7337
CITY OF CHICAGO, et al., *Defendants-Appellees*.	Martha M. Pacold, *Judge*.

[*] The defendants were not served in either case and are not participating in the appeals. After examining the records, we have agreed to decide these appeals without oral argument because they are frivolous. *See* FED. R. APP. P. 34(a)(2)(A).

[†] The appellant in Appeal No. 22-1612 has confirmed that his full name is Bill James Turner. He does not have permission to litigate pseudonymously. *See Doe v. Smith*, 429 F.3d 706, 710 (7th Cir. 2005). We update the caption accordingly.

No. 22-2461

JAMES GARNER, *Plaintiff-Appellant*,	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
v.	No. 22 C 3185
CITY OF CHICAGO, et al., *Defendants-Appellees*.	Matthew F. Kennelly, *Judge*.

O R D E R

Bill James Turner and James Garner sued dozens of state and local officials after an incident in November 2020 when police surrounded their car and took them into custody.[1] They brought separate suits in the Northern District of Illinois, each of which was dismissed as frivolous under 28 U.S.C. § 1915(e). Both plaintiffs appealed. Because they complain of injuries arising from the same event and caused by many of the same defendants, we hereby consolidate the appeals for disposition. *See* FED. R. APP. P. 3(b)(2). We dismiss the appeals as frivolous. Further, based on their records of frivolous litigation, we sanction both appellants and warn them against future frivolous filings.

I. November 2020 Incident

In their complaints, the well-pled allegations of which we assume to be true, Turner and Garner allege that on November 8, 2020, Cook County State's Attorney Kimberly Foxx made threats while speaking to protesters, including them. The next day, a Chicago police detective stopped their vehicle. Garner was driving; his wife, Tina, and Bill James Turner were passengers. The detective refused to identify himself, asked each adult for identification, and asked whether Tina had kidnapped the baby she was holding. The next day, a group of police officers blocked Garner's car in a

[1] We refer to Bill James Turner as "Turner," to James Garner as "Garner," and to Tina Turner, an apparent relation to both men, as "Tina."

parking lot and ordered Garner, Turner, and Tina (who was holding baby "F.I.G.") out of the car. The adults were arrested, taken to the police station, and separated.

Turner was held and interrogated for hours until, for reasons unknown, police officers took him to University of Chicago Comer Children's Hospital. When he attempted to leave, four security guards attacked him and slammed him onto the floor where they used their weight to "crush" him. They then placed him on a stretcher and took him to another room where he was tied down and injected with an unknown drug. Turner woke up the next day in restraints and was taken to the offices of the Illinois Department of Child and Family Services, where he was held until the next day. Then, a staff member took Turner to a location where he was "abandoned on the street."

According to Garner's complaint, he and Tina were taken into a separate room at the police station, and baby F.I.G. was "kidnapped" by a police officer after Tina asked for an attorney. Neither parent ever saw the child again. According to Garner's complaint, F.I.G., like Turner, was taken to the Children's Hospital and "tortured."

II. District Court Proceedings

A. *James v. City of Chicago, et al.*

In response to these events, Turner, as "Bill James," sued a dozen defendants including Foxx and the City of Chicago, under 42 U.S.C. § 1983, and he was granted leave to proceed in forma pauperis. But the district court (Judge Pacold) dismissed the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. Then this court dismissed his premature appeal for lack of a final judgment. No. 22-1210 (7th Cir. April 5, 2022). The district court gave Turner leave to amend his complaint.

After submitting an amended complaint that added nearly a dozen unnamed University of Chicago employees as defendants, Turner twice moved for the presiding judge to recuse herself because she attended The University of Chicago Law School. The court denied both motions because the university was not a defendant, and even if it were, the relationship was not a basis for recusal. In the second order, the court also noted that a "Bill James" had recently filed another lawsuit, *James v. City of Chicago, et al.*, No. 1:22-cv-00333 (N.D. Ill. Jan. 19, 2020). There, the plaintiff had attached to his complaint a hearing transcript from a case brought by Garner and Tina. Further, as he did in this case, the plaintiff signed the complaint "Bill James" but elsewhere gave his name as "Bill James Turner." In both cases, he provided the same mailing address that Garner and Tina had used in the dismissed suit.

Concerned about whether "Bill James" had been "truthful in filings and representations to the court," Judge Pacold ordered the plaintiff to file a statement confirming his name and relation to James Garner and Tina Turner and listing all federal lawsuits he had filed anywhere. He appealed that order, but we dismissed the appeal for lack of jurisdiction. No. 22-1462 (7th Cir. Aug. 22, 2022). He then responded to the district court's order with a statement the court later described as containing "incoherent and incomprehensible allegations" that were nonresponsive and did not allay the court's concerns about the accuracy of his representations.

Separately, the court dismissed the "frivolous" amended complaint with prejudice under § 1915(e)(2)(B) because it was "disorganized, incomprehensible," and it contained "allegations that are wholly implausible." And Turner had attached over 100 pages of news articles and deposition transcripts with no clear connection to his case.

B. *Garner v. City of Chicago, et al.*

When James Garner filed his complaint about the events of November 2020, he listed over 300 defendants, mostly unnamed. He asserted claims under 42 U.S.C. § 1983, the federal Racketeer Influenced and Corrupt Organizations (RICO) Act, and state law. The district court (Judge Kennelly) granted Garner's motion to proceed IFP but dismissed his complaint as legally frivolous. 28 U.S.C. § 1915(e)(2). The court explained that Garner sued persons who enjoy absolute immunity from suits for damages, lumped dozens of named and hundreds of unnamed defendants together in a "vast purported conspiracy," and inappropriately attempted to enjoin pending and potential state criminal prosecutions. Garner filed a motion to reconsider, urging more attention to his RICO claims, but the district court was unpersuaded and denied the motion.

III. Appeals

On appeal, Turner and Garner each contend that the district judge who dismissed his complaint should have recused. There are no express statutory grounds, such as familial or financial conflicts of interest, for either judge's recusal. *See* 28 U.S.C. § 455(b). But federal judges also must disqualify themselves from any proceeding in which their "impartiality might reasonably be questioned." *Id*. § 455(a); *Thomas v. Dart*, 39 F.4th 835, 844–45 (7th Cir. 2022). Partiality is assessed "from the perspective of an objective, well-informed, thoughtful observer." *Thomas*, 39 F.4th at 845.

Just after amending his complaint to add University of Chicago hospital employees as defendants, Turner moved twice for Judge Pacold to recuse herself

because she attended the University's law school. As the court said when denying Turner's motion, the University is not a party. And if it were, the judge still would not have reason to recuse: Although "[a]ffiliations that pose risks similar to those identified in § 455(b) may call for disqualification under § 455(a)," *In re Nat'l Union Fire Ins. Co. of Pittsburgh*, 839 F.3d 1226, 1229 (7th Cir. 1988), where one attended law school is not an affiliation similar to any in § 455(b). Judge Pacold was a law student two decades ago, and Turner points to no connection to the medical center or any reason for bias toward the defendants, the vast majority of whom were unidentified. Therefore, the judge's impartiality could not reasonably be questioned.

Garner raised his recusal argument for the first time in his appeal brief. Although a recusal motion in the district court is not required before we can review this issue on appeal, *Thomas*, 39 F.4th at 845; *see also United States v. Perez*, 956 F.3d 970, 974 (7th Cir. 2020), Garner gives us no basis for questioning Judge Kennelly's impartiality. All Garner cites is the dismissal of his complaint—that the judge found in favor of "high powered Public Servants" rather than Garner. But "[b]y itself, an adverse judicial ruling does not provide a valid basis for questioning a judge's impartiality." *Thomas*, 39 F.4th at 844 (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)).

Beyond their meritless recusal arguments, the appellants fail to engage with the reasons their cases were dismissed. Neither develops any argument that the district judge erred, addresses the reasons for which his complaint was deemed frivolous, or provides any meaningful basis for vacating the dismissals. *See Shipley v. Chi. Bd. of Election Comm'rs*, 947 F.3d 1056, 1062–63 (7th Cir. 2020); FED. R. APP. P. 28(a)(8)(A) (brief must contain the appellant's "contentions and reasons for them, with citation to the authorities and parts of the record on which the appellant relies"). This requires us to dismiss the appeals. *See Anderson v. Hardman*, 241 F.3d 544, 546 (7th Cir. 2001). But we note that looking at the complaints leaves us without a doubt that dismissing them as frivolous was proper. *See generally Neitzke v. Williams*, 490 U.S. 319, 324-35 (1989) (term "frivolous" encompasses "not only the inarguable legal conclusion, but also the fanciful factual allegation"); *Felton v. City of Chicago*, 827 F.3d 632, 635 (7th Cir. 2016).

IV. Litigation History

In their substantially similar filings here and in the district court, both Turner and Garner repeat conspiratorial accusations against swaths of unrelated defendants that center on a multibillion-dollar conspiracy targeting the Garner-Turner family for harassment, torture, and kidnapping. Garner and Turner implicate many federal, state, and local officials in this corrupt enterprise, including judges who presided over their

prior lawsuits. This is not the first time they have brought lawsuits against some or all these defendants about the sprawling decades-long conspiracy they describe.

Garner and Turner were granted leave to proceed IFP in almost every one of their district court cases, often by different judges with no easy way to detect a pattern. In each case, a district judge gave a fresh look to the claims and found no merit. The large majority of cases have been dismissed as frivolous at screening, 28 U.S.C. § 1915(e), and the majority of appeals in which we had jurisdiction to review a final decision were dismissed for lack of prosecution. Each complaint embodies improper litigation practices by incorporating reams of irrelevant exhibits, including random newspaper articles and documents from unrelated litigation. Substantively, the complaints contain fanciful, conspiratorial allegations and discuss numerous political and historical conflicts including Russian violence against Ukraine, chattel slavery in the United States, and the Holocaust—all in a way that implies that these events are connected to each other and to the alleged conspiracy against the Garner-Turner family. The complaints are incoherent and implausible.

A recent tally shows that Turner has brought four cases in the Northern District of Illinois, which have resulted in six appeals to our court (including this one). *James v. City of Chicago, et al.,* No. 1:20-cv-07337 (N.D. Ill. Dec. 3, 2020) (Appeal Nos. 21-2669, 22-1210, 22-1462, and 22-1612 (this appeal)); No. 1:22-cv-00333 (N.D. Ill. Jan. 19, 2020) (Appeal No. 22-1357); *James v. U.S. Gov't's Unknown Clerks*, No. 1:22-cv-04183 (N.D. Ill. Aug. 8, 2022); *James v. U.S. Gov't's David Burke*, No. 1:22-cv-04333 (N.D. Ill. Aug. 15, 2022) (Appeal No. 22-2504).

Garner has brought 13 cases in the Northern District of Illinois, and 3 in the Northern District of Indiana, resulting in 13 appeals to our court (including this one). *H.G. v. City of Chicago, et al.*, No. 1:05-cv-00673 (N.D. Ill. Feb. 3, 2005); *Turner et al. v. City of Chicago, et al.*, No. 1:12-cv-9994 (N.D. Ill. Dec. 16, 2012) (Appeal Nos. 14-3150, 16-1223); *Turner et al. v. M.B. Financial Bank, et al.,* No. 1:14-cv-9880 (N.D. Ill. Dec. 9, 2014); *Garner et. al. v. Door & Window Guard Sys., Inc., et al.*, No. 1:15-cv-10553 (N.D. Ill. Nov. 20, 2015); *Garner et. al. v. Sinai Health System*, No. 1:16-cv-07287 (N.D. Ill. July 15, 2016) (Appeal No. 16-3564); *Garner et al. v. Ann & Robert H. Lurie Children's Hosp. of Chi., et al.*, No. 1:16-cv-08155 (N.D. Ill. Aug 17, 2016); *Garner et al. v. Univ. Chi. Med. Ctr., et al.*, No. 1:16-cv-10108 (N.D. Ill. Oct. 27, 2016) (Appeal No. 16-3959); *Garner v. City of Chicago, et al.*, No. 1:21-cv-03660 (N.D. Ill. July 9, 2021) (Appeal No. 21-2613); *Garner v. Katona, et al.,* No. 2:21-cv-00250-TLS-APR (N.D. Ind. Aug. 12, 2021) (Appeal No. 22-2495); *Garner v. McDermott, et al.,* No. 2:21-cv-00348-PPS-APR (N.D. Ind. Nov. 8, 2021); *Garner v. City of*

Chicago, et al, No. 1:22-cv-03185 (N.D. Ill. June 16, 2022) (Appeal No. 22-2461(this appeal)); *Garner v. Key, et. al*, No. 2:22-cv-00249-PPS-JPK (N.D. Ind. Aug. 2022) (Appeal No. 22-2643); *Garner v. Kidd, et al.*, No. 1:22-cv-06270 (N.D. Ill. Nov. 8, 2022) (Appeal Nos. 23-1006, 23-1194, 23-1374, 23-1519); *Garner v. Kibb*, No. 1:22-cv-06299 (N.D. Ill Nov. 9, 2022).

Based on this extensive history of repetitive and largely frivolous litigation, we fine Turner and Garner $1000 each. *See United States ex rel. Verdone v. Cir. Ct. for Taylor Cnty.*, 73 F.3d 669, 672, 674 (7th Cir. 1995) (sanctions justified by pattern of grossly negligent litigation conduct); s*ee also Reed v. PF Milwaukee Midtown, LLC*, 16 F.4th 1229, 1232 (7th Cir. 2021) (imposing sanctions based on history of frivolous litigation). Failing to pay these fines within 30 days of this order may result in a bar on filing any papers in the courts of this circuit until the monetary sanction is paid. *See Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995). The continued repetition of implausible, incoherent, and conspiratorial allegations is a waste of limited and valuable judicial resources and must end; persistence will only invite greater sanctions.

Apart from Turner and Garner's extensive litigation records, they have filed briefs on appeal that are irresponsible in their content. The briefs engage in name-calling of judges and contain baseless, offensive accusations against them, including "maliciously vexatiously delay[ing]" rulings, fabricating facts, and "maliciously" lying to justify those rulings. Appellants are warned that any future inclusion of such gratuitous attacks in court documents may result in additional sanctions. *See generally McCready v. eBay, Inc.*, 453 F.3d 882, 892 (7th Cir. 2006) (exercise of inherent power to sanction should be done "in a way that is tailored to the abuse"); *see also In re Lisse*, 921 F.3d 629, 644–45 (7th Cir. 2019) (content of briefs is sanctionable).

Finally, we instruct the Clerk of the Court to send a copy of this order to the Executive Committee of the Northern District of Illinois for whatever actions it might deem appropriate.

DISMISSED