

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICKEY KING,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 4160
)	
UNKNOWN CHICAGO POLICE OFFICERS,)	
)	
Defendants.)	

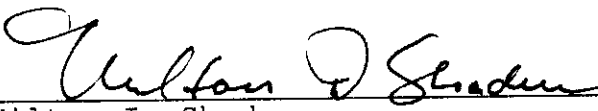
MEMORANDUM ORDER

Rickey King ("King") has filed a 42 U.S.C. §1983 ("Section 1983") action against what the Complaint lists as "Unknown Chicago Police Officers," asserting that his constitutional rights were violated by a September 15, 2004 arrest (Complaint ¶6) and by his continued detention "for a long period of time following the September 15, 2004 arrest" (Complaint ¶11). Although this Court is contemporaneously following its normal practice of entering an initial scheduling order that includes an early status hearing date, this memorandum order is issued sua sponte to alert King's counsel to what may need to be confronted at that hearing or thereafter.

Where as here the identities of the asserted violators of King's rights are unknown, the "Unknown" form of usage employed in the existing Complaint is permissible (see, e.g., Bivens v. Six Unknown Named Agents, 403 U.S. 388, 390 n.2 (1971)). That usage, however, does not resolve any statute of limitations problems that may arise as and when the identity of King's

targets is ascertained, for the potential relation back provisions of Fed. R. Civ. P. 15(c) do not apply under the circumstances involved here (see Worthington v. Wilson, 8 F.3d 1253, 1256-57 (7th Cir. 1993)).

Because of the somewhat skeletal nature of the Complaint, no view is expressed here as to when the limitations clock began to tick on King's claim--see Heck v. Humphrey, 512 U.S. 477 (1994) and its numerous progeny, as well as Wallace v. City of Chicago, 440 F.3d 421 (7th Cir. 2006), cert. granted June 19, 2006 in Dkt. No. 05-1240). Instead this memorandum alerts King's counsel to the problem, and counsel is directed to provide a copy of this memorandum to defense counsel when his or her identity is ascertained.



Milton I. Shadur
Senior United States District Judge

Date: August 8, 2006