



STATEMENT

seems to suggest that the officers committed a *Brady* violation by fabricating evidence. The Seventh Circuit, however, has rejected *Brady* claims based on allegations that officers are “suppressing” evidence of the truth by making false statements. *Harris v. Kuba*, 486 F.3d 1010, 1017 (7th Cir. 2007).

Seventh Circuit precedent bars any constitutional claim for malicious prosecution and also bars any *Brady* claim based upon the officers’ fabrication of evidence. Lashley points to no other facts that support his claim that the officers violated his right to a fair trial. Thus, Lashley has failed to state a claim under § 1983 and the Court dismisses Count I of his Complaint. Because Lashley’s federal claim was insubstantial — prior Seventh Circuit decisions inescapably rendered it frivolous — the Court must also dismiss his state law claims for lack of jurisdiction. *Avila v. Pappas*, 591 F.3d 552, 553-554 (7th Cir. 2010).

Wm. J. Hibbler