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LIABILITY - ILLINOIS

Bradley v. Village of University Park, Illinois

United States Court of Appeals, Seventh Circuit - July 16, 2019 - F.3d - 2019 WL 3121844 - 2019 IER Cases 261, 637

Village's former police chief brought § 1983 action against village and mayor, asserting that termination of police chief's employment without notice of good cause or a hearing violated procedural due process.

The United States District Court dismissed on the pleadings. Former police chief appealed.

The Court of Appeals held that:

- Former police chief stated a federal procedural due process claim against village and mayor for municipal liability under § 1983, and
- Top municipal officials are not excused from liability under § 1983 for a predeprivation federal procedural due process violation, even if they also violate state laws and the state provides some postdeprivation recourse.

Allegations of village's former police chief, that he had a protected property interest in his continued employment, that mayor and village board were village's policymakers on the subject, and that he received no pretermination notice or hearing despite ample opportunity for a hearing, stated a federal procedural due process claim against village and mayor for municipal liability under § 1983.