

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF ILLINOIS
Springfield Division

LUKE A. THOMAS,

Plaintiff,

-against-

DEVRON OHRN, in his official and individual
capacities;
JUSTIN OLIVER, in his official and individual
capacities;
GWENDOLYN M. THOMAS, in her official and
Individual capacities;
GEORGEANNE OSMER, individually;
JOHN D. OSMER, individually;
CASS COUNTY, ILLINOIS;
MENARD COUNTY, ILLINOIS;
THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS;
JOHN DOES 1–10, individually and in their official
capacities (as applicable)

Defendants.

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Civil Action No.26-cv-03219

COMPLAINT

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

NOW COMES the Plaintiff, Luke A. Thomas, pro se, and files this First

Amended Complaint against the above-named Defendants, alleging as follows:

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights), as this action seeks redress for the violation of Plaintiff's rights under the Constitution and laws of the United States, including 42 U.S.C. § 1983,

the Fourth and Fourteenth Amendments to the United States Constitution, and Title II of the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.).

2. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as they form part of the same case or controversy as the federal claims.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events or omissions giving rise to the claims occurred in Cass, Menard, and Sangamon Counties, Illinois, within this judicial district, and all Defendants reside or may be found within this district.
4. This Court's Jurisdiction Is Not Barred by the Rooker-Feldman Doctrine. Plaintiff does not seek reversal, modification, or review of the state court's January 18, 2024, judgment in *IRMO Thomas*, Case No. 2022-DC-15, or the orders of protection in Case No. 2022-OP-66. Plaintiff does not seek to relitigate custody, child support, spousal maintenance, or the division of marital property. The injuries complained of—the warrantless seizure of property, the extra-judicial conversion of firearms and ammunition, and the systemic denial of ADA accommodations—were caused by the independent, unconstitutional actions of the Defendants, not by the state court's domestic relations judgment. The state court judgment did not cause the injury; rather, Defendants used the state court docket as a vehicle to effectuate a pre-existing, unconstitutional plan. See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).
5. This Court's Jurisdiction Is Not Barred by the Domestic Relations Exception. This action does not seek to alter or enforce any aspect of the parties' domestic relationship. Plaintiff's claims are entirely collateral to the divorce proceeding and seek redress for

constitutional torts that would be actionable even absent any divorce proceeding.

See *Marshall v. Marshall*, 547 U.S. 293, 307-08 (2006).

6. Younger Abstention Does Not Apply. To the extent any state proceedings remain ongoing, the core constitutional injuries—the seizure and conversion of property—are complete and cannot be remedied in the state forum. Moreover, Plaintiff challenges the *systemic policies* of the Eighth Judicial Circuit, which is a collateral matter not interfering with the state court’s exercise of its domestic relations jurisdiction. Plaintiff has also exhausted available state remedies, including filing a Rule 383 Motion for a Supervisory Order with the Illinois Supreme Court, which was denied.

II. PARTIES

7. Plaintiff, Luke A. Thomas, is a natural person and a citizen of the United States, residing in Peoria, Illinois. Plaintiff is a licensed attorney in Illinois but is proceeding pro se due to financial destitution caused by the actions complained of herein. Plaintiff is an individual with documented disabilities, including a history of Stage III rectal cancer, Type 1 Diabetes, ADHD, and PTSD, which substantially limit major life activities and qualify him for protection under the ADA.
8. Though Plaintiff is a licensed attorney, he has not tried cases in Court since his diagnosis in 2019, and has not appeared or practiced regularly in federal court. Due to the imbalance of resources and Plaintiff’s documented disabilities, it is proper for this court to appoint counsel for Plaintiff either as a reasonable accommodation or in the interests of justice. Plaintiff has or will file a motion for appointment of counsel.

9. Defendant Devron Ohrn is the Sheriff of Cass County, Illinois, and is sued in his official and individual capacities. At all relevant times, Defendant Ohrn was acting under color of state law.
10. Defendant Justin Oliver is the Sheriff of Brown County, Illinois, and is sued in his official and individual capacities. At all relevant times, Defendant Oliver was acting under color of state law.
11. Defendant Gwendolyn M. Thomas is the State's Attorney for Menard County, Illinois, and is sued in her official and individual capacities. At all relevant times, Defendant Thomas was acting under color of state law. Defendant Thomas is also the former spouse of Plaintiff, but her actions giving rise to this lawsuit were taken under color of law and are actionable under § 1983.
12. Defendants Georgeanne Osmer and John D. Osmer are private individuals and residents of Cass County, Illinois. They are sued in their individual capacities for conspiring with state actors to deprive Plaintiff of his constitutional rights and for their direct participation in the unlawful seizure and conversion of Plaintiff's property.
13. Defendant Cass County, Illinois, is a municipal corporation and a unit of local government. It is sued for liability under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978), for the unconstitutional policies, customs, and practices of its Sheriff's Department.
14. Defendant Menard County, Illinois, is a municipal corporation and a unit of local government. It is sued for liability under *Monell*, as Defendant Thomas, its State's Attorney, was acting pursuant to its policies and customs or was a final policymaker.

15. Defendant, the Eighth Judicial Circuit of Illinois is an agency of the State of Illinois and a public entity subject to Title II of the ADA. It is sued for its systemic failure to provide meaningful accommodations to disabled litigants and its pattern of violating due process.
16. Plaintiff seeks injunctive relief regarding the Eighth Judicial Circuit's systemic failures, as permitted by the Ex Parte Young exception to sovereign immunity and 42 U.S.C. § 1983's which allows for injunctive relief against judicial officers for non-judicial, administrative acts. See *Pulliam v. Allen*, 466 U.S. 522 (1984).
17. Defendants John Does 1-10 are unknown individuals who acted in concert with the named Defendants to deprive Plaintiff of his constitutional rights.
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III. FACTUAL ALLEGATIONS

A. The Extra-Judicial Seizure of Property:

18. Prior to September 2022, Plaintiff resided in Ashland, Cass County, Illinois. Plaintiff owned a collection of firearms and a large cache of ammunition (approximately 20,000-30,000 rounds), which were lawfully possessed and stored in his home.
19. On September 12, 2022, without a warrant, without probable cause, and without any judicial finding that Plaintiff posed a danger to himself or others, Defendants Ohrn, Oliver, Gwendolyn Thomas, John Does 1-10, and/or the Osmers entered Plaintiff's home and physically seized his firearms and ammunition.
20. This seizure was not a judicial act ordered by any court. While an ex-parte order of protection had been entered the previous day, it did not authorize a search, a warrantless seizure, or the physical removal of property. The Defendants conducted a de facto search and seizure outside the scope of any valid court order.

21. Defendants Georgeanne Osmer, John D. Osmer, and other unknown individuals physically participated in the removal of Plaintiff's firearms and ammunition from the home. The Osmeres were not law enforcement officers but were deputized, either formally or informally, by Defendant Ohrn to effectuate the seizure.
22. Plaintiff repeatedly informed Defendants Ohrn, Oliver, and Gwendolyn Thomas that the property seized was lawfully owned by Plaintiff, was non-marital property, and did not present any danger to any person.

B. The Illegal Conversion and Sale

23. In January 2024, Plaintiff learned that his firearms were conditionally authorized for sale. On January 24, 2024, Plaintiff sent formal written notice to all Defendants, John D. Osmer, Georgeanne Osmer and Gwendolyn Thomas, that the proposed sale would violate the Protect Illinois Communities Act (PICA), 720 ILCS 5/24-1.9, which took effect on January 1, 2024.
24. PICA prohibits the knowing possession, sale, and transfer of specific "assault weapons" as defined therein. The firearms seized from Plaintiff's home fell within this definition.
25. Despite receiving this notice, Defendants proceeded with the auction and sale of Plaintiff's firearms in March 2024, which was not disclosed until May, 2026, when Defendant, Gwendolyn Thomas, provided a "Consignor Settlement Statement" reflecting the sale of a significant number of the firearms removed.
26. Despite numerous demands for return of the ammunition and other related property, Plaintiff did not learn the ammunition was 'gone' until receiving the Defendants' Response to Motion for TRO, filed July 14, 2026 [Doc. 28-1], wherein Defendants admitted 'the guns and ammunition are 'gone'.

27. Defendants have failed and refused to provide full accounting of the firearms or proceeds derived from the sale thereof. Furthermore, Defendants have never accounted for the ammunition taken and there is no court order authorizing the seizure or sale of said ammunition.
28. There exists no state order or proceeding pending that addresses the seizure, ownership, or sale of the aforesaid ammunition.
29. Upon information and belief, Defendants liquidated part of the firearm collection through a private sale or auction. This sale was conducted without Court oversight, without notice to Plaintiff, and without any accounting for more than years, in violation of any conditional purported authority. , Defendants willfully abandoned the limited authority granted to them by failing to abide by the conditional authority provided.
30. Consequently, Defendants operated outside the lawful scope of the Judgment, rendering their actions independent torts of conversion.

C. Systemic Failures and Retaliatory ADA Violations

31. Plaintiff has documented disabilities that affect his executive functioning, memory, and ability to navigate complex legal proceedings without accommodations.
32. As required by Title II of the ADA, the Eighth Judicial Circuit, as a public entity, is obligated to provide reasonable accommodations to disabled litigants.
33. The Eighth Judicial Circuit has a systemic policy, custom, and practice of failing to provide effective ADA accommodations, including but not limited to:
- a. Failing to ensure that all court proceedings are recorded, making meaningful appellate review impossible.
 - b. Denying Plaintiff's request that all court-related communications be part of the official

record;

c. Retaliating against Plaintiff for seeking accommodations by requiring him to appear in person for non-evidentiary hearings while allowing non-disabled parties to appear

remotely;

d. Engaging in unrecorded ex parte communications;

e. Failing to maintain appropriate policies to identify and accommodate those with “invisible” disabilities like those afflicting Plaintiff.

D. Irreparable Harm

34. Plaintiff has and continues to suffer irreparable harm as a result of these actions. By failing to provide ADA accommodations, the Court has and continues to make it impossible for Plaintiff to meaningfully represent his interests and impossible to access justice; The very uncertainties Plaintiff has sought to reduce or eliminate by requesting accommodations that all proceedings be recorded, elimination of ‘fluid’ docket requirements, and disclosure of ex-parte communications, among others, are those policies or customs that have become seemingly engrained in the Eighth Judicial Circuit. These accommodations were requested to not only ensure Plaintiff could adequately prepare and participate, but also to eliminate unnecessary emotional triggers suffered by Plaintiff as a result of his disabilities.

IV. LEGAL CLAIMS

COUNT I: Violation of the Fourth and Fourteenth Amendments – Unreasonable Seizure (42 U.S.C. § 1983)

(Against Defendants Ohrn, Oliver, Gwendolyn Thomas, Georgeanne Osmer, John D. Osmer, John Does 1-10, in their individual capacities)

35. Plaintiff re-alleges paragraphs 1 through 31 as if fully set forth herein.

36. Defendants Ohrn, Oliver, Gwendolyn Thomas, Georgeanne Osmer, John D. Osmer, and John Does 1-10, acting under color of state law, seized Plaintiff's firearms and ammunition without a warrant, without probable cause, and without due process of law.

37. The seizure was not authorized by any valid court order or by any exception to the warrant requirement.

38. This seizure violated Plaintiff's right to be free from unreasonable searches and seizures under the Fourth Amendment, as applied to the states through the Fourteenth Amendment.

39. Plaintiff is entitled to compensatory damages, punitive damages, and attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT II: Violation of the Fourteenth Amendment – Deprivation of Property Without Due Process (42 U.S.C. § 1983)

(Against Defendants Ohrn, Oliver, Gwendolyn Thomas, Georgeanne Osmer, John D. Osmer, Cass County, Menard County, John Does 1-10)

40. Plaintiff re-alleges paragraphs 1 through 36 as if fully set forth herein.

41. Plaintiff had a constitutionally protected property interest in his firearms and ammunition.

42. Defendants, acting under color of state law, converted Plaintiff's firearms by selling part of the collection and by failing to account for or return the sale proceeds.

43. Defendants did so with actual notice that the sale was illegal under Illinois law (PICA) and despite Plaintiff's formal objections.

44. The deprivation of Plaintiff's property was accomplished without any meaningful pre-deprivation or post-deprivation process.
45. Defendants, acting under color of state law, removed and subsequently concealed Plaintiff's ammunition. Despite numerous demands, Defendants have failed and refused to return Plaintiff's property, account for the value thereof, or return sales proceeds, if sold.
46. Plaintiff is entitled to compensatory damages for the fair market value of the firearms and ammunition, punitive damages, and attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT III: Violation of Title II of the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.)(Against Defendant Eighth Judicial Circuit of Illinois)

47. Plaintiff re-alleges paragraphs 1 through 42 as if fully set forth herein.
48. The Eighth Judicial Circuit is a public entity within the meaning of Title II of the ADA.
49. Plaintiff is an individual with a disability as defined by the ADA, whose disabilities substantially limit one or more major life activities.
50. The Eighth Judicial Circuit denied Plaintiff meaningful access to its court proceedings by:
 - a. Failing to ensure proceedings were recorded;
 - b. Denying Plaintiff's request for transparent record-keeping;
 - c. Retaliating against Plaintiff for seeking accommodations;
 - d. Failing to provide the accommodations required by its own order.
 - e. Failing to provided accommodations in a timely manner when requested and/or when the need for reasonable accommodations became obvious and apparent.

These failures constitute discrimination in violation of Title II of the ADA.

51. Plaintiff is entitled to declaratory and injunctive relief, including an order requiring the Eighth Judicial Circuit to implement policies to ensure adequate ADA accommodations are provided to Plaintiff and other similarly situated, disabled individuals.

COUNT IV: Conspiracy to Deprive Civil Rights (42 U.S.C. § 1985)

(Against All Individual-Capacity Defendants)

52. Plaintiff re-alleges paragraphs 1 through 48 as if fully set forth herein.

53. Defendants, acting in concert, conspired to deprive Plaintiff of his constitutional rights by orchestrating the unlawful seizure and sale of his property.

54. Defendants committed overt acts in furtherance of the conspiracy, including the physical removal of the firearms and ammunition, false representations to state court, and the illegal sale of the property.

55. Plaintiff was injured as a direct result of the conspiracy.

COUNT V: Supplemental State Law Claims – Conversion

(Against All Defendants, Except Eighth Circuit)

56. Plaintiff re-alleges paragraphs 1 through 52 as if fully set forth herein.

57. Defendants wrongfully exercised dominion and control over Plaintiff's personal property (firearms and ammunition) and converted it to their own use.

58. Plaintiff is entitled to compensatory damages for the full value of the converted property, as well as exemplary damages for Defendants' willful and wanton conduct.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Defendants' actions violated Plaintiff's rights under the Fourth and Fourteenth Amendments and Title II of the ADA;
 - B. Enter a Temporary Restraining Order and Preliminary Injunction requiring the immediate preservation, accounting, and freezing of all proceeds from the sale of Plaintiff's property;
 - C. Enter a Permanent Injunction requiring the Eighth Judicial Circuit to strictly document and enforce Plaintiff's ADA accommodations in any future proceedings;
 - D. Award Compensatory Damages against Defendants Ohrn, Oliver, Gwendolyn Thomas, Georgeanne Osmer, John D. Osmer, and John Does 1-10, in their individual capacities, for the full market replacement value of the firearms and ammunition converted, and for emotional distress and constitutional injuries;
 - E. Award Punitive Damages against the individual-capacity Defendants for their willful and wanton disregard of Plaintiff's rights;
 - F. Award Attorneys' Fees and Costs pursuant to 42 U.S.C. § 1988;
 - G. Award such other and further relief as the Court deems just and proper.
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VI. JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

VII. VERIFICATION

I, Luke A. Thomas, declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of July, 2026.

BY /s/ Luke A. Thomas

LUKE A. THOMAS

PLAINTIFF, pro se

Email: thomaslitigation2022@gmail.com

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Illinois ARDC No.: 6278591

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2026, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Central District of Illinois using the CM/ECF system, which will provide Notice to the following defendants:

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Dated: July 65, 2026

By: /s/Luke A. Thomas

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