2012 IL App (2d) 110311-U
No. 2-11-0311
Order filed May 17, 2012

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

WILLIAM ANDERSON-BEY and MELISSA ANN ANDERSON,	)	Appeal from the Circuit Court of Winnebago County.
Plaintiffs-Appellants,	)	
v.	)	No. 09-MR-1044
KEVIN MARTIN *et al.*,	)	Honorable J. Edward Prochaska,
Defendants-Appellees.	)	Judge, Presiding.

JUSTICE BURKE delivered the judgment of the court.
Justices Bowman and Birkett concurred in the judgment.

ORDER

Held: (1) The appeal was moot as to one plaintiff, who had already received the relief she sought; (2) although the other plaintiff had standing to contest his banning from the property, he offered no cogent argument for why the banning was unlawful.

¶ 1 Plaintiffs, William Anderson-Bey and Melissa Ann Anderson, appeal the trial court's order dismissing their complaint against the Rockford Housing Authority (RHA) and various individuals. The complaint sought to reverse the RHA's decision to ban Anderson-Bey from its housing complex. Plaintiffs contend that the trial court erred in concluding that the case was moot as to Anderson and that Anderson-Bey lacked standing to pursue relief. We affirm.

¶ 2 The complaint alleged that Anderson resides in an RHA complex. In 2005, Anderson-Bey applied for RHA housing, but his application was "discarded." Apparently, Anderson-Bey spent a great deal of time visiting Anderson. (The nature and extent of plaintiffs' relationship is not clear from the record.) At some point, the RHA banned Anderson-Bey from the premises. Anderson-Bey characterizes the reason for the banning as "Illegal live-in," meaning that the RHA believed that Anderson-Bey was attempting to occupy a unit without a lease. Anderson-Bey was arrested multiple times for violating the ban.

¶ 3 Anderson filed a grievance with the RHA to lift the ban on Anderson-Bey visiting her. Also, Anderson-Bey sued the RHA and various RHA and City of Rockford officials. After his original complaint was dismissed, he filed an amended complaint adding Anderson as a plaintiff. Although the legal theories on which the complaint was based are far from clear, it sought, *inter alia*, *mandamus* to require the RHA to hold a hearing on Anderson's grievance. The complaint also appeared to take issue generally with Anderson-Bey's banning.

¶ 4 While the complaint was pending, the RHA did hold a hearing. It modified the ban to allow Anderson-Bey to visit Anderson, although he could not be anywhere else on the premises. The trial court thereafter dismissed the complaint and plaintiffs appeal.

¶ 5 Appearing *pro se*, as they have throughout the proceedings, plaintiffs raise several arguments. Like their trial-court filings, plaintiffs' brief is a jumble of allegations that never clearly states what relief plaintiffs want or why they believe they are entitled to it. The overriding themes are that Anderson-Bey continues to object to his banning by the RHA and that the case is not moot despite the fact that plaintiffs received some relief following the grievance hearing.

¶ 6 Defendants respond that the case is moot as to Anderson because she received all the relief to which she is entitled. They further argue somewhat imprecisely that Anderson-Bey lacks standing because, as a nonresident, he is not entitled to the RHA's grievance procedure. Defendants further argue that Anderson-Bey has no right to use RHA property and, accordingly, has no basis on which to challenge the ban. We find that this latter argument disposes of most of the issues plaintiffs raise.

¶ 7 Initially, we agree that the case is moot as to Anderson. An issue is moot where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party. *In re Merrilee M.*, 409 Ill. App. 3d 983, 984 (2011). Here, the complaint sought to have the RHA hold a hearing on Anderson's grievance. It did so, and it granted her relief by modifying the ban to allow Anderson-Bey to visit her. Plaintiffs' brief does not suggest any further relief that Anderson could receive.

¶ 8 We do not agree, however, that Anderson-Bey lacks standing. The doctrine of standing requires that a party, in either an individual or a representative capacity, have a real interest in the action brought and in its outcome. Its purpose is to ensure that courts decide actual, specific controversies and not abstract questions or moot issues. *In re Estate of Wellman*, 174 Ill. 2d 335, 344 (1996). While Anderson-Bey could not avail himself of the RHA's grievance procedure, he clearly has a real interest in not being banned from RHA developments. Thus, to the extent he challenges the initial banning, he clearly has standing to seek that relief.[1]

[1]Whether the complaint actually sought this relief is a matter of conjecture. In the interest of a complete disposition of the controversy, we will overlook the complaint's rather significant formal deficiencies and decide the issue on the merits.

¶ 9 The bigger problem for Anderson-Bey is that he has not identified any constitutional provision, statute, or contract that gives him a right to be on the RHA premises. Generally, an owner of realty has the right to exclude all others from use of the property, a right that is one of the " 'most essential sticks in the bundle of rights that are commonly characterized as property.' " *Dolan v. City of Tigard*, 512 U.S. 374, 384, 393 (1994) (quoting *Kaiser v. United States*, 444 U.S. 164, 176 (1979)); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 435 (1982) (characterizing the right to exclude as "one of the most treasured strands in an owner's bundle of property rights"). In line with the general rule, courts have uniformly upheld the rights of landlords—including public housing authorities—to ban nonresidents from their premises. See *Williams v. Nagel*, 162 Ill. 2d 542 (1994); *Thompson v. Ashe*, 250 F.3d 399 (6th Cir. 2001) (holding that maintenance of "no-trespass" list by Knoxville public housing agency did not violate constitutional rights of those placed on the list).

¶ 10 Illinois has now codified this rule. Section 9-106.2(f) of the Code of Civil Procedure provides that a "landlord shall have the power to bar the presence of a person from the premises owned by the landlord who is not a tenant or lessee or who is not a member of the tenant's or lessee's household." 735 ILCS 5/9-106.2(f) (West 2010).[2] Moreover, Anderson-Bey essentially concedes that he is not an RHA tenant. Thus, he has identified no constitutional provision, statute, or contract that provides him with a right to enter the RHA's property. While he has "standing" to assert his right to do so, he has no legal platform on which to base such a right.

[2]This section did not become effective until July 22, 2010. See Pub. Act 96-1188, § 5 (eff. July 22, 2010) (adding 735 ILCS 5/9-106.2) However, in light of the above authorities, this appears to be merely a codification of existing law rather than an attempt to change the law.

¶ 11 Plaintiffs make the conclusional assertion that defendants discriminated against Anderson-Bey based on his race. We assume for the sake of argument that defendants are state actors subject to the equal protection clause of the 14th amendment. U.S. Const., amend. XIV; see *Williams*, 162 Ill. 2d at 548 (to establish 14th-amendment violation, plaintiff must show conduct by the State rather than private parties). However, plaintiffs cite no specific facts or well-pleaded allegations in support of such a charge. See *Pooh-Bah Enterprises, Inc. v. County of Cook*, 232 Ill. 2d 463, 473 (2009) (in pleading a cause of action, a plaintiff may not rely on conclusions of law or fact unsupported by specific factual allegations).

¶ 12 Anderson-Bey also appears to contend that defendants retaliated against him. He seemingly argues that, after defendants lost, or "discarded," his application for housing, they began a campaign of retaliation against him for having filed an application in the first place. He does not attempt to explain defendants' motive for doing this but, in any event, he cites no authority for the assertion that this somehow violated his rights.

¶ 13 Finally, to the extent that plaintiffs' complaint can be read as seeking any other relief, they have advanced no cogent argument why the complaint was sufficient in that regard. They have advanced no cogent argument that the trial court's ruling was otherwise erroneous. Illinois Supreme Court Rule 341(h)(7) requires that the appellant's brief contain contentions of error along with citations to the authorities and pages in the record upon which it relies. Ill. S. Ct. R. 341(h)(7) (eff. July 1, 2008). Arguments that violate this rule do not merit consideration and may be considered forfeited. *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23. " 'The appellate court is not a depository in which the appellant may dump the burden of argument and research.' " *Id.* (quoting *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986)).

¶ 14 The judgment of the circuit court of Winnebago County is affirmed.

¶ 15 Affirmed.