

Yet that Milinko and Castle likely acted outside of their official capacities does not compel dismissal of the § 1983 claims against them because they can be held liable as participants in a conspiracy. “Unlike a typical § 1983 claim, conspiracy does not require that only state employees, acting under the color of law, be involved. Instead, private citizens can be roped in as long as there was sufficient state involvement in the constitutional deprivation.” *Wightman*, 2021 WL 534668, at *6. While McGowen’s complaint does not explicitly plead a § 1983 conspiracy, “the failure to identify a specific legal theory in a complaint does not prescribe its application; ‘it is factual allegations, not legal theories, that must be pleaded in a complaint.’” *Id.* (quoting *Whitaker v. Milwaukee County*, 772 F.3d 802, 808 (7th Cir. 2014)). Here, McGowen’s allegations plausibly allege a civil conspiracy whereby Milinko and Castle enlisted Monino, the state actor with direct authority over McGowen’s employment, in their plan to retaliate against McGowen for her speech and political activities—a plan to which Monino consented by firing her. Thus, because McGowen has pleaded claims against Milinko and Castle under a § 1983 conspiracy theory, the Court declines to dismiss those Defendants.