

Michael Frisch
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Accrual of §1983 Claims After Wallace v. City of Chicago

On March 8, 2006, the Seventh Circuit decided *Wallace v. City of Chicago*.¹ In doing so, the Appeals Court overturned earlier precedent,² impermissibly interfered with a plaintiff's ability to recover under 42 USC § 1983³, and reached a shockingly irrational result. My Law Review Comment will examine the legal underpinnings of the opinion, consider the policy arguments on both sides, and make suggestions for how the United States Supreme Court should rule on the issue when it comes before them in the near future.⁴

The Case:

From the age of 15 until he was 23, Andre Wallace served time in Illinois prison for his alleged participation in a murder on Chicago's West side. Wallace was arrested in 1994, gave a suspect confession, and was subsequently convicted of murder. In 1998, the Illinois Appellate Court found that the Chicago police arrested Wallace without probable cause and granted him a new trial. The prosecution dropped the case against Wallace in 2002 and he was released.⁵

In 2003, Wallace sued the city of Chicago under the Federal Civil Rights Statute, 42 U.S.C. § 1983 in Federal Court, for violating his Fourth Amendment rights. Specifically, Wallace sued under the state-law tort of "false arrest." The city moved for summary judgment, asserting that the suit was barred by a two year statute of limitations mandated by Illinois state law. The district court granted Chicago's motion for summary judgment. On appeal, the Seventh

¹ *Wallace v. City of Chicago*, 440 F.3d 421 (7th Cir. 2006).

² *Gauger v. Hendle*, 349 F.3d 354 (7th Cir. 2003).

³ 42 U.S.C. 1983

⁴ The Supreme Court has granted Certiorari on the case on 6/19/2006.

⁵ *Wallace*, 440 F.3d at 421-422

Circuit affirmed, holding that the statute of limitations started running at the time of the false arrest.

Why the *Heck* is this important?

In holding that claims for false arrest accrue for statute of limitations purposes at the time of the arrest, the Court of Appeals put potential plaintiffs in an impossible bind. The *Heck Doctrine*, set forth in *Heck v. Humphrey*, prohibits claims under § 1983 premised upon the invalidity of a conviction.⁶ This doctrine was intended to prevent convicts from using § 1983 to “collaterally attack” the fact or duration of their sentences. A defendant may not bring any claims premised on an “allegedly unconstitutional conviction or imprisonment” or bring claims that if successful would render a sentence invalid, unless his conviction has been reversed, expunged, or otherwise declared invalid.⁷ *Heck* reaffirmed that a habeas petition is the “exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks...release, even though such a claim may come within the literal terms of § 1983.”⁸

Therefore, the friction between the *Heck Doctrine* and *Wallace* produces an impossible situation for a potential litigant hoping to sue under § 1983 for false arrest. Take for example a hypothetical man arrested and convicted of a murder he did not commit. *Wallace* holds that the man must file his § 1983 claim for false arrest within two years of the arrest. *Heck* holds that he may not file his § 1983 claim for false arrest until he has been pardoned or his conviction has been reversed, expunged, or otherwise declared invalid. Since the habeas process, state appeals process, and even the executive-pardon process takes many years—even decades, the *Wallace* case effectively strips potential litigants of a cause of action. If our hypothetical convict wants to

⁶ *Heck v. Humphrey*, 512 U.S. 477 (1994).

⁷ *Heck*, 512 U.S. at 487.

⁸ *Heck* held that “a claim for damages bearing [a] relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.”

collect damages from his false arrest under §1983, he must file his suit within two years, which he obviously cannot do.

Outline

Section I: Summarizing the Problem

First, I will summarize the facts and the holding of *Wallace*. I will also summarize the law under § 1983, and the cases that make up the *Heck* Doctrine. I will then explain how *Heck* and *Wallace* intersect, creating the aforementioned problem for potential litigants.

Section II: Why did the Seventh Circuit Do What it Did?

In this section, I will analyze the *Wallace* decision and point out the holes in its reasoning. The Seventh Circuit foresaw the problems that its opinion would cause, and I will here examine why the solutions offered by the opinion were inadequate.

Section III: How Should the Supreme Court Rule?

In this section, I will introduce my solution to the problem: The statute of limitations under for false arrest claims should not begin to run until the substantive issues facing the litigant are resolved. Here, I will discuss policy arguments on both sides, including arguments about the substantive fairness of both outcomes. I will also try to interpret the legislative intent behind both § 1983 and relevant state statutes of limitations. I may choose to bolster my argument with statistics about the average time it takes to pursue a habeas petition or a course of state-court appeals.

Generally, I will attempt to do the Supreme Court's work for them, and decide how the *Wallace* case should come out in the Supreme Court.

Bibliography

1. *Wallace v. City of Chicago*, 440 F.3d 421 (7th Cir. 2006).
2. *Gauger v. Hendle*, 349 F.3d 354 (7th Cir. 2003).
3. 42 U.S.C. 1983.
4. *Heck v. Humphrey*, 512 U.S. 477 (1994).
5. *Preiser v. Rodriguez*, 411 US 475 (1973).
6. Paul D. Vink, The Emergence of Divergence: The Federal Court's Struggle to Apply Heck v. Humphrey to § 1983 Claims for Illegal Searches. 35 Ind. L. Rev 1085 (2001-2002).
7. John Stanfield Buford, When the Heck Does This Claim Accrue? Heck v. Humphrey's Footnote Seven and § 1983 Damages Suits for Illegal Search and Seizure. 58 Wash. & Lee L. Rev. 1493 (2001).