

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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PLRA C.R. 3(b) FINAL ORDER

December 3, 2024

	<p>LOGAN BRADLEY LAKE, Plaintiff - Appellant</p>
No. 24-2110	<p>v.</p> <p>STATE OF ILLINOIS, et al., Defendants - Appellees</p>
	<p>LOGAN BRADLEY LAKE, Plaintiff - Appellant</p>
No. 24-2135	<p>v.</p> <p>STATE OF ILLINOIS, et al., Defendants - Appellees</p>
Originating Case Information:	
District Court No: 3:24-cv-50144	
Northern District of Illinois, Western Division	
District Judge Iain D. Johnston	
Originating Case Information:	
District Court No: 3:24-cv-50144	
Northern District of Illinois, Western Division	
Clerk/Agency Rep Thomas G. Bruton	
District Judge Iain D. Johnston	

The pro se appellant was DENIED leave to proceed on appeal in forma pauperis by the appellate court on November 8, 2024 and was given fourteen (14) days to pay the \$605.00 filing fee. The pro se appellant has not paid the \$605.00 appellate fee. Accordingly, The pro se appellant was DENIED leave to proceed on appeal in forma pauperis by the appellate court on November 8, 2024 and was given fourteen (14) days to pay the \$605.00 filing fee. The pro se appellant has not paid the \$605.00 appellate fee. Accordingly,

IT IS ORDERED that this appeal is **DISMISSED** for failure to pay the required docketing fee pursuant to Circuit Rule 3(b).

IT IS FURTHER ORDERED that the appellant pay the appellate fee of \$605.00 to the clerk of the district court. The clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of *Section 1915(b)*. *Newlin v. Helman*, 123 F.3d 429, 433 (7th Cir. 1997).

form name: c7_PLRA_3bFinalOrder (form ID: 142)

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Logan Bradley Lake (219572),)
Plaintiff,) Case No. 24 C 50144
v.) Hon. Iain D. Johnston
State of Illinois, et al.,)
Defendants.)

ORDER

Plaintiff's application for leave to proceed *in forma pauperis* [6] is granted; his duplicative application [3] shall be terminated as unnecessary. The Court waives the initial partial filing fee and orders the trust fund officer at Plaintiff's place of incarceration to make monthly deductions in accordance with this order. The Court directs the Clerk of Court to send (electronically if possible) a copy of this order to the trust fund officer at Plaintiff's current place of incarceration and to the Court's Fiscal Department. Summons shall not issue, however. Plaintiff's complaint [1] is dismissed as legally frivolous. This dismissal is without prejudice to Plaintiff challenging his conviction before a proper tribunal, or bringing a civil rights complaint if and when his conviction is invalidated. Because Plaintiff's claims are legally frivolous, the dismissal of this case counts as one of Plaintiff's three allotted dismissals under 28 U.S.C. § 1915(g). Plaintiff's motion for attorney representation [4] is denied. Plaintiff's remaining motions [5] [8] [9] are all terminated as moot. The Clerk is directed to enter a final judgment of dismissal without prejudice and send a copy of this order to Plaintiff. This case is closed.

STATEMENT

Plaintiff, Logan Bradley Lake, currently an Indiana prisoner, brings this *pro se* civil rights lawsuit, 42 U.S.C. § 1983, concerning his 2007 Illinois conviction for sexual assault, which, it appears, has been used to enhance his current Indiana sentence. Before the Court are Plaintiff's application for leave to proceed *in forma pauperis*, his complaint for initial review under 28 U.S.C. § 1915A, and his motion for attorney representation.

Plaintiff has submitted an application for leave to proceed *in forma pauperis* that does not contain a trust fund certification (instead he completed the certification himself). Thus, his application is deficient. See 28 U.S.C. § 1915(a)(2). Plaintiff, however, submitted uncertified trust fund ledgers. Given his negative balance and apparent inability to have saved so he could prepay the fee for this case, the Court will not require him to submit additional documentation in this instance. The Court thus grants Plaintiff's application and waives the initial partial filing fee. See 28 U.S.C. § 1915(b)(4). Plaintiff remains responsible for paying the fee and must do so over time. See 28 U.S.C. § 1915(b)(1). The Court orders Plaintiff to pay (and the facility having custody of him to automatically remit) to the Clerk 20% of his income each month he receives \$10 or more

(including gifts from friends and family and government stimulus payments) until the \$350 filing fee is paid in full. The Court directs the trust fund officer to ensure that a copy of this order is mailed to each facility where Lake is housed until the filing fee has been paid in full. All payments shall be sent to the Clerk, United States District Court, 219 South Dearborn Street, Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this case.

The Court next considers Plaintiff's complaint. Under 28 U.S.C. § 1915A, the Court is required to screen prisoners' complaints and dismiss the complaint, or any claims therein, if the Court determines that the complaint or claim is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant. *See Jones v. Bock*, 549 U.S. 199, 214 (2007); *Turley v. Rednour*, 729 F.3d 645, 649 (7th Cir. 2013). Courts screen prisoners' complaints in the same manner they review motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Maddox v. Love*, 655 F.3d 709, 718 (7th Cir. 2011).

A complaint must include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The short and plain statement must "give the defendant fair notice of what the claim is and the grounds upon which it rests." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citation omitted). The statement also must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face," which means that the pleaded facts must show there is "more than a sheer possibility that a defendant has acted unlawfully." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). When screening a *pro se* plaintiff's complaint, courts construe the plaintiff's allegations liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam). Courts also must "accept all well-pleaded facts as true and draw reasonable inferences in the plaintiffs' favor." *Roberts v. City of Chicago*, 817 F.3d 561, 564 (7th Cir. 2016).

In summary, Plaintiff alleges the following. In 2007 Plaintiff was "illegally" and "unlawfully" convicted of aggravated sexual assault in McHenry County "without due process". In 2011 this sexual assault conviction was wrongfully used to enhance his sentence for a murder conviction in Indiana state court. His current Indiana sentence is therefore also "illegal". He seeks that his Illinois conviction be expunged and all erroneous information about Plaintiff be removed from sex-offender websites. He names the State of Illinois, the Attorney General, and McHenry County Court as Defendants.

Plaintiff cannot proceed on this complaint. Plaintiff's claims clearly tend to call into question the validity of his Illinois conviction, and therefore are barred by the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994). In *Heck*, the U.S. Supreme Court held that a plaintiff may not pursue relief in a Section 1983 action if the civil case would invalidate or imply the invalidity of his present confinement. 512 U.S. at 487; *see also Ealy v. Griffin*, 803 F. App'x. 41, 42 (7th Cir. 2020) (unpublished) (same). "*Heck* holds that a plaintiff in a § 1983 suit cannot pursue a claim for relief that implies the invalidity of an extant criminal conviction." *Green v. Junious*, 937 F.3d 1009, 1013 (7th Cir. 2019). Plaintiff's claims that his Illinois conviction was "unlawful", "illegal", obtained "without due process", and should be expunged are plainly *Heck*-barred. The fact that Plaintiff is now an Indiana prisoner, and thus appears to have completed his Illinois sentence, does not relieve him of the *Heck*-bar. *See, e.g., Savory v. Cannon*, 947 F.3d 409, 418-19 (7th Cir. 2020)

(rejecting argument that claim challenging conviction accrued when prisoner was released from custody where his conviction remained intact).

Although the Court normally allows *pro se* litigants one chance to amend their complaints to cure the defects that led to dismissal, the Court concludes that amendment would be futile in this instance because Plaintiff's claims are clearly *Heck*-barred. *See Stanard v. Nygren*, 658 F.3d 792, 797 (7th Cir. 2011) (a court need not allow the filing of an amended complaint "where the amendment would be futile") (cleaned up). Because Plaintiff's claims are *Heck*-barred, this case is dismissed without prejudice as legally frivolous. *See Goston v. Barnes*, No. 17 C 7419, 2018 WL 11184655, at *3 (N.D. Ill. Mar. 22, 2018) (collecting cases holding that *Heck*-barred suits are legally frivolous). This dismissal counts as a strike under 28 U.S.C. § 1915(g).

Plaintiff's motion for attorney representation is denied. Nothing in the complaint or the motion suggests that attorney representation would allow Plaintiff to overcome the *Heck* bar. *See Mack v. City of Chicago*, 723 F. App'x. 374, 377 (7th Cir. 2018) (unpublished) (affirming denial of motion for counsel where complaint concerned the fairness of trial, and thus was clearly *Heck*-barred).

Final judgment will be entered. If Plaintiff wishes to appeal, he must file a notice of appeal with this Court within thirty-days-of-the entry-of judgment. *See Fed. R. App. P. 4(a)(1)*. If Plaintiff appeals, he will be liable for the \$605.00 appellate filing fee regardless of the appeal's outcome. *See Evans v. Ill. Dep't of Corr.*, 150 F.3d 810, 812 (7th Cir. 1998). If the appeal is found to be non-meritorious, Plaintiff could be assessed another "strike" under 28 U.S.C. § 1915(g). If a prisoner accumulates three "strikes" because three federal cases or appeals have been dismissed as frivolous or malicious, or for failure to state a claim, the prisoner may not file suit in federal court without pre-paying the filing fee unless he is in imminent danger of serious physical injury. *Ibid.* If Plaintiff seeks leave to proceed *in forma pauperis* on appeal, he must file a motion for leave to proceed *in forma pauperis* in this Court stating the issues he intends to present on appeal. *See Fed. R. App. P. 24(a)(1)*.

Date: May 28, 2024

By:


Iain D. Johnston
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS

Logan Bradley Lake,

Plaintiff(s),

v.

State of Illinois, et al,

Defendant(s).

Case No. 3:24-cv-50144
Judge Iain D. Johnston

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

in favor of plaintiff(s)
and against defendant(s)
in the amount of \$

which includes pre-judgment interest.
 does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

other: Judgment entered in favor of Defendants and against Plaintiff. Case closed.

This action was (check one):

tried by a jury with Judge presiding, and the jury has rendered a verdict.
 tried by Judge without a jury and the above decision was reached.
 decided by Judge Iain D. Johnston on a motion.

Date: 5/28/2024

Thomas G. Bruton, Clerk of Court

\s\Y. Pedroza, Deputy Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**