

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted February 24, 2026*

Decided February 25, 2026

*Before*MICHAEL B. BRENNAN, *Chief Judge*THOMAS L. KIRSCH II, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 25-1289

TIMOTHY W. MACKALL,
*Plaintiff-Appellant,**v.*KATHERINE SWEENEY BELL, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division.

No. 2:24-cv-00296-MPB-MG

Matthew P. Brookman,
*Judge.***ORDER**

Timothy Mackall brought this lawsuit alleging numerous constitutional violations arising from a protective order issued against him and his subsequent

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

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convictions for violating the protective order, harassment, and stalking. *See* 42 U.S.C. § 1983. We affirm.

We accept as true the well-pleaded facts alleged in Mackall's complaint and draw reasonable inferences in his favor. *See Esco v. City of Chicago*, 107 F.4th 673, 678 (7th Cir. 2024). We also take judicial notice of the state-court records relating to the protective order and Mackall's convictions. *See Ewell v. Toney*, 853 F.3d 911, 917 (7th Cir. 2017).

Mackall alleges that in 2021, he maintained a relationship with defendant Jane Doe in which he performed handyman services in exchange for sexual relations. They were not dating, and they did not live together. In November 2021, Doe allegedly became jealous and emotional after seeing a photo of Mackall on social media. She argued with Mackall. He was outside her house and could not leave because he did not have a ride home. Doe called the police, but they declined to write a report or remove Mackall from the premises.

Later that month, Doe sought and obtained a civil protective order barring Mackall from contacting her, her son, and her coworkers. Mackall alleges that to obtain this order, Doe made false statements, including that she and Mackall dated and that Mackall harassed Doe, her son, and her coworkers. Mackall maintains that the Marion County Circuit Court Clerk, Katherine Sweeney Bell, conspired with Doe, assisting her in fraudulently obtaining the protective order. Mackall further alleges that the defendants initiated contact with him in violation of the protective order. Mackall unsuccessfully appealed that order in state court.

In May 2022, Mackall was charged with multiple counts of invasion of privacy in violation of a protective order, *see* IND. CODE § 35-46-1-15.1(a)(1), stalking, § 35-45-10-5(a), harassment, § 35-45-2-2(a), and intimidation, § 35-45-2-1(a)(1), (b)(1)(A). In June 2024, a jury found Mackall guilty and the state court entered judgments of conviction for two counts of stalking, six counts of invasion of privacy, and two counts of harassment. In July 2024, he was sentenced to fifteen years in prison. Mackall unsuccessfully appealed his conviction in state court.

Mackall filed this lawsuit in June 2024 while awaiting his criminal trial. He brought a litany of claims including conspiracy to commit perjury and challenges to the constitutionality of an Indiana statute governing protective orders. *See* IND. CODE § 34-26-5-3. He asked the court to remove Doe's gun licenses, declare various state statutes

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unconstitutional, enjoin the State from enforcing the statute, and award him monetary damages.

After Mackall was convicted, the district court screened his complaint and dismissed it for failure to state a claim. *See* 28 U.S.C. § 1915A. The court observed that some of Mackall's claims may be barred by the statute of limitations because the protective order was issued in 2021 and he was charged with violating it in May 2022, both more than two years before he filed this lawsuit in June 2024. Even still, the court explained, the claims were barred by *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994), because any judgment in line with his allegations that the protective order and his criminal charges for violating it were based on false allegations would necessarily imply the invalidity of his convictions.

On appeal, Mackall argues that his claims are not *Heck*-barred because the state-court judgment against him is invalid and Indiana law “permits state court losers to directly or collaterally attack a void judgment.” But Mackall's disagreement with the judgment does not make it invalid. Mackall needed to have a separate proceeding expunge, reverse, or otherwise invalidate his conviction before bringing his § 1983 claim. *Heck*, 512 U.S. 486–87. But no such proceeding occurred, and his conviction still stands. *See Mackall v. State*, No. 24A-CR-2036 (Ind. Ct. App. Sept 24, 2025) (affirming Mackall's convictions). A conclusion in line with Mackall's allegations that he did not stalk or harass Doe and that the protective order was based on falsehood would necessarily imply the invalidity of his convictions. *See McCann v. Neilsen*, 466 F.3d 619, 621–22 (7th Cir. 2006) (“[A] plaintiff's claim is *Heck*-barred despite its theoretical compatibility with his underlying conviction if specific factual allegations in the complaint are necessarily inconsistent with the validity of the conviction.”); *Savory v. Cannon*, 947 F.3d 409, 417 (7th Cir. 2020) (en banc) (“There is no logical way to reconcile [fabrication-of-evidence] claims with a valid conviction.”). Mackall also urges that *Heck* does not apply because he seeks to invalidate Indiana's protective-order statute (and the relevant civil proceedings) rather than directly challenge the state-court criminal judgment. But ruling the statute unconstitutional would invalidate the protective order, which would necessarily imply the invalidity of his convictions for violating it. *See Heck*, 512 U.S. 486–87. We will not endorse such an end run around the requirements of *Heck*.

Because Mackall's claims are *Heck*-barred, we need not address whether they are also time-barred under the relevant statute of limitations.

AFFIRMED

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

April 21, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

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O R D E R

Appellant filed a petition for rehearing *en banc* on April 6, 2026. No judge in regular active service has requested a vote on the petition for rehearing *en banc*, and all judges on the original panel have voted to deny the petition for rehearing.

Accordingly, the petition for rehearing *en banc* is **DENIED**.