

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

William D. Heffley v. Brady Thomas, et al.

Heffley · No. 1:26-CV-99-HAB-ALT · Decided May 14, 2026

SUMMARY

The United States District Court for the Northern District of Indiana addressed William Heffley's motion to proceed in forma pauperis and screened his civil rights complaint alleging police harassment, intimidation, and retaliation. The court found that the complaint lacked sufficient factual detail and failed to state a plausible constitutional claim. The court took the IFP motion under advisement, granted leave to amend by June 12, 2026, and warned that the action would be dismissed if no amended complaint was filed.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Holly A. Brady
JURISDICTION	United States District Court for the Northern District of Indiana, Fort Wayne Division
DECIDED	May 14, 2026
DOCKET	1:26-CV-99-HAB-ALT
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a civil-rights complaint under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. Before service, the district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), found that it failed to provide sufficient factual detail and did not state a plausible federal claim, and granted leave to amend.
STANDARD OF REVIEW	The court applied the same standard used for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) when screening the complaint under 28 U.S.C. § 1915(e)(2)(B), accepting factual allegations as true and requiring sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished

PARTIES

William D. Heffley v. Brady Thomas, Detective Olinske

TOPICS

pleadings

section 1983

first amendment

civil procedure

subject matter jurisdiction

PRACTICE AREAS

Civil procedure

Civil rights

Constitutional law

Federal courts

Pleading and screening

QUESTIONS PRESENTED

1. Whether Heffley satisfied the financial requirement to proceed in forma pauperis.
2. Whether the complaint complied with Federal Rule of Civil Procedure 8 by providing sufficient factual detail and fair notice to each defendant.
3. Whether allegations of police harassment, supervisory inaction, and unspecified retaliation stated a plausible constitutional claim under 42 U.S.C. § 1983.
4. Whether the complaint should be dismissed at the screening stage under 28 U.S.C. § 1915(e)(2)(B), or whether Heffley should receive leave to amend.

HOLDINGS

1. Heffley met the financial requirement for proceeding in forma pauperis because, based on his reported income and assets, paying the filing fee would prevent him from providing for the necessities of life.
2. The complaint did not comply with Rule 8 because its conclusory allegations did not give each defendant fair notice of the conduct alleged to be wrongful.
3. Allegations of police harassment, without additional conduct amounting to a constitutional violation, do not state a cognizable § 1983 claim.
4. The alleged failure of Sheriff Thomas to act on a complaint of police harassment did not state a cognizable constitutional claim.
5. The complaint did not state a plausible First Amendment retaliation claim because it did not provide factual detail identifying the retaliatory activities or showing that they would deter a person of ordinary firmness from exercising First Amendment rights.

KEY QUOTATIONS

“Each defendant is entitled to know what he or she did that is asserted to be wrongful.”

“Baldly asserting that ‘the police harassed me, Olinske was involved, Thomas knew and did nothing about it’ does not include sufficient information to provide notice to the defendants of what Heffley believes they did to violate his rights and thus does not comply with Rule 8.”

“police harassment, without more, cannot form a basis for a § 1983 cause of action.”

FACTUAL BACKGROUND

Heffley alleged that DeKalb County police officers intimidated and harassed him, that he reported the conduct to law enforcement, and that no investigation or corrective action followed. He alleged that Sheriff Brady Thomas was responsible for supervising officers and addressing misconduct complaints, while Detective Olinske personally participated in or contributed to further actions against him after receiving notice of his complaints. He claimed that the harassment escalated in retaliation for reporting police misconduct and caused fear, stress, emotional distress, and disruption to his daily activities.

PROCEDURAL HISTORY

Heffley filed a complaint alleging intimidation and harassment by law-enforcement defendants and submitted an in forma pauperis motion. The court found that he satisfied the financial requirement for proceeding in forma pauperis but took the motion under advisement pending screening of the complaint. The court determined that the complaint did not comply with Rule 8 and failed to state a plausible constitutional claim, granted leave to file an amended complaint by June 12, 2026, and cautioned that failure to respond would result in dismissal without further notice.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319 (1989)
- *Merritte v. Templeton*, 493 F. App'x 782, 784 (7th Cir. 2012)
- *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999)
- *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018, 1027 (7th Cir. 2013)
- *EEOC v. Concentra Health Serv., Inc.*, 496 F.3d 773, 776-77 (7th Cir. 2007)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bank of America, N.A. v. Knight*, 725 F.3d 815, 818 (7th Cir. 2013)
- *Arnold v. Truemper*, 833 F. Supp. 678, 682-83 (N.D. Ill. 1993)
- *Slagel v. Shell Oil Refinery*, 811 F. Supp. 378, 382 (C.D. Ill. 1993), *aff'd*, 23 F.3d 410 (7th Cir. 1994)
- *Slagel v. Shell Oil Refinery*, 1994 WL 168503, at *1 (7th Cir. May 4, 1994)
- *Bridges v. Gilbert*, 557 F.3d 541, 552 (7th Cir. 2009)
- *Harris v. City of West Chi.*, 2002 WL 3100188, at *3 (N.D. Ill. Sept. 3, 2002)
- *Baden v. City of Wheaton*, 2010 WL 4931852, at *3-4 (N.D. Ill. Nov. 24, 2010)
- *Shabani v. Kalka*, 2020 WL 3100242, at *2 (W.D. Wis. June 11, 2020)

OPINION

Heffley

PER CURIAM.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION
WILLIAM D HEFFLEY,
Plaintiff,
v. CASE NO. 1:26-CV-99-HAB-ALT
BRADY THOMAS, et al., Defendants.

OPINION AND ORDER

Pro se Plaintiff William Heffley (“Heffley”) filed a civil rights complaint against Defendants Brady Thomas—the Dekalb County Sheriff—and “Detective Olinske,” a detective with the Dekalb County Police Department, alleging intimidation and harassment. (ECF No. 1). Along with his Complaint, Heffley also filed a motion to proceed in forma pauperis (“IFP”). (ECF No. 2). Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court. 28 U.S.C. § 1914(a). However, the federal in forma pauperis (IFP) statute, 28 U.S.C. § 1915, provides indigent litigants an opportunity for meaningful access to the federal courts despite their inability to pay the costs and fees associated with that access. See *Neitzke v. Williams*, 490 U.S. 319 (1989). To authorize a litigant to proceed IFP, a court must make two determinations: first, whether the litigant is unable to pay the costs of commencing the action, § 1915(a)(1); and second, whether the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, § 1915(e)(2)(B). In a Chapter 7 Bankruptcy case, the filing fee may be waived “if the court determines that such individual has income less than 150 percent of the income official poverty line. . . .” 28 U.S.C. § 1930(f)(1).¹ This is not a Bankruptcy case, but the judicial discretion afforded by 28 U.S.C. § 1915 permits application of the same threshold. See *Merritte v. Templeton*, 493 F. App’x 782, 784 (7th Cir. 2012) (“Courts have wide discretion to decide whether a litigant is impoverished.”). The Poverty Line is set annually by the United States Department of Health and Human Services. 42 U.S.C. § 9902. Heffley reports he is single with no dependents, unemployed, and has limited income—\$1,300 per month from Social Security Disability—and likewise limited assets. (ECF No. 2). Based on these representations, the Court finds that paying the filing fee would result in an inability for Heffley to provide for the necessities of life and thus meets the financial requirement for proceeding in forma pauperis. The Court’s inquiry does not end there, however. In assessing whether a plaintiff may proceed IFP, a court must look to the sufficiency of the complaint to determine whether it can be construed as stating a claim for which relief can be granted or seeks monetary relief against a defendant who is immune from such relief. *Id.* §1915(e)(2)(B). District courts have the power under 28 U.S.C. § 1915(e)(2)(B) to screen complaints even before service of the complaint on the defendants and must dismiss the complaint if it fails to state a claim. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). Courts apply the same standard under 28 U.S.C. § 1915(e)(2)(B) as when addressing a motion to dismiss under Federal Rule of Civil Procedure

12(b)(6). *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018, 1027 (7th Cir. 2013). To state a claim under the federal notice pleading standards, a complaint must set forth a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. 1 See <https://www.uscourts.gov/sites/default/files/document/poverty-guidelines.pdf> (150% Poverty Guideline table). P. 8(a)(2). Factual allegations are accepted as true and need only give “fair notice of what the . . . claim is and the grounds upon which it rests.” *EEOC v. Concentra Health Serv., Inc.*, 496 F.3d 773, 776–77 (7th Cir. 2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Heffley’s Complaint need not provide overly detailed factual allegations, but he must provide enough factual support to raise his right to relief above a speculative level. *Twombly*, 550 U.S. at 555. His complaint must provide more than “unadorned the-defendant[s]-unlawfully-harmed-me accusation[s].” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). Heffley alleges he reported to law enforcement that Dekalb County police officers had intimidated and harassed him, but that “no investigation was conducted, and no corrective action was taken.” (ECF No. 1 at 2). According to Heffley, Thomas’s position as Sheriff means he “was responsible for supervising deputies and detectives and for ensuring complaints for misconduct were reviewed and addressed.” (Id.) Nevertheless, harassment continued, including that of Detective Olinske, who Heffley alleges “personally participated in or contributed to actions taken against Plaintiff after the complaints, despite having notice that Plaintiff reported police harassment.” (Id.) Heffley claims the harassment escalated because he reported the police misconduct, and that these actions have caused him fear, stress, emotional distress, and disruption to his daily activities. He requests an award of compensatory and punitive damages, as well as “injunctive relief prohibiting Defendants from engaging in further harassment.” (Id.) Heffley’s Complaint contains two major problems: insufficient factual detail and lack of federal subject matter jurisdiction. Rule 8 of the Federal Rules of Civil Procedure requires a complaint to include “a short of plain statement of the claim showing that the pleader is entitled to relief.” Under federal pleading rules, “[e]ach defendant is entitled to know what he or she did that is asserted to be wrongful.” *Bank of America, N.A. v. Knight*, 725 F.3d 815, 818 (7th Cir. 2013). While Heffley provides some detail—police officers harassed him; he complained; the Sheriff did nothing; Olinske participated in further harassment—these conclusory allegations do not provide the defendants fair notice of the claims against them. Crucial facts are missing, such as when this harassment and intimidation occurred, what the harassment consisted of, how Detective Olinske was involved, or when Heffley complained to the police about the harassment. Baldly asserting that “the police harassed me, Olinske was involved, Thomas knew and did nothing about it” does not include sufficient information to provide notice to the defendants of what Heffley believes they did to violate his rights and thus does not comply with Rule 8. Likewise, it is unclear from the face of the complaint what constitutional violations are being alleged here. From the outset, Heffley appears to be complaining of unlawful harassment in violation of his constitutional rights. But generally, “police harassment, without more, cannot form a basis for a § 1983 cause of action.” *Arnold v. Truemper*,

833 F. Supp. 678, 682 (N.D. Ill. 1993). “[C]itizens do not have a constitutional right to courteous treatment by the police. Verbal harassment and abusive language, while ‘unprofessional and inexcusable,’ are simply not sufficient to state a constitutional claim under 42 U.S.C. § 1983.” *Slagel v. Shell Oil Refinery*, 811 F. Supp. 378, 382 (C.D. Ill. 1993), *aff’d* 23 F.3d 410 (7th Cir. 1994); see also *Arnold*, 833 F. Supp. at 683 (“Inconvenience, aggravation and alleged injuries to reputation caused by police officers do not amount to [a constitutional] violation.”). So even if Heffley had included any details about what harassment he faced and when, those allegations still would not rise to the level of a cognizable § 1983 claim. In the same vein, Heffley has not alleged a cognizable claim based on Sheriff Thomas’s inaction in response to Heffley’s complaint of harassment. See *Slagel v. Shell Oil Refinery*, 1994 WL 168503, at *1 (7th Cir. May 4, 1994) (“Chief of the Urbana Police Department[] committed no constitutional violation in failing to act on Slagel’s complaint letters.”). At most, Heffley’s claims might give rise to a First Amendment retaliation claim. Under § 1983, retaliatory activities are actionable if they would “deter a person of ordinary firmness” from exercising First Amendment activity in the future. *Bridges v. Gilbert*, 557 F.3d 541, 552 (7th Cir. 2009). But without any factual detail as to what the “retaliatory activities” are being continued, beyond exacerbated “harassment,” these allegations do not rise to the level necessary to state a viable constitutional claim. See *Harris v. City of West Chi.*, 2002 WL 3100188, at *3 (N.D. Ill. Sep. 3, 2002) (police “drive-bys . . . and the threat ‘watch it-we’re going to get you and your family’ do not rise to the level of a constitutional violation”); *Baden v. City of Wheaton*, 2010 WL 4931852, at *3–4 (N.D. Ill. Nov. 24, 2010) (police officers following plaintiff and threatening to arrest her, among other harassing actions “to deter [plaintiff] from filing a § 1983 suit,” did not rise to level of First Amendment retaliation). Because he has failed to state a plausible claim for relief, Heffley’s Complaint cannot proceed. However, he may file an amended complaint that clarifies his claims that defendants harassed and intimidated him. Should Heffley choose to amend, he “should draft the amended complaint as if he is telling a story to someone who knows nothing about his situation.” *Shabani v. Kalka*, 2020 WL 3100242, at *2 (W.D. Wis. June 11, 2020). That means he should explain (1) what the individual defendants said or did to him; (2) when it happened; and (3) what makes him believe that defendants violated his rights—including what rights those are. Ultimately, Heffley must explain what each defendant did and how it harmed him in enough detail to allow Defendants to understand what they are being accused of. For these reasons, the Court:

- (1) TAKES UNDER ADVISEMENT Heffley’s Motion to Proceed In Forma Pauperis (ECF No. 2);
- (2) GRANTS Heffley LEAVE TO FILE AN AMENDED COMPLAINT addressing the deficiencies noted in this Opinion on or before June 12, 2026;
- (3) CAUTIONS Heffley that if there is no response by the deadline, this case will be dismissed without further notice. SO ORDERED this 14th day of May 2026. s/Holly A. Brady

CHIEF JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT

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