UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

William M. Williams v. Edward T. Cunneen, et al.

Williams v. Cunneen · No. 1:25 CV 1832 · Decided December 4, 2025

SUMMARY

The United States District Court for the Northern District of Ohio dismissed a pro se prisoner's civil action challenging his 2004 state-court conviction and seeking damages under federal and state law. The court held that the federal claims were barred by the statute of limitations, not cognizable under Heck v. Humphrey, and independently barred by judicial, prosecutorial, and grand-juror immunity; it also concluded that the cited criminal statutes provided no private right of action. The court declined supplemental jurisdiction over the remaining state-law claims and certified that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Pamela A. Barker
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	December 4, 2025
DOCKET	1:25 CV 1832
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed an in forma pauperis civil action seeking damages under 42 U.S.C. §§ 1983 and 1985, 18 U.S.C. §§ 1028 and 1030, and state law based on alleged defects in his 2004 state-court conviction. The district court screened the complaint under 28 U.S.C. § 1915(e) and dismissed the action.
STANDARD OF REVIEW	On screening an in forma pauperis complaint under 28 U.S.C. § 1915(e), the court liberally construes a pro se pleading but must dismiss claims that fail to state a claim or lack an arguable basis in law or fact. The court accepts factual allegations as true and determines whether the complaint plausibly shows entitlement to relief.
PRECEDENTIAL VALUE	Unknown

TOPICS

section 1983 | statute of limitations | civil procedure | federal habeas corpus

PRACTICE AREAS

civil rights | federal civil procedure | post-conviction relief | criminal procedure | remedies

QUESTIONS PRESENTED

1. Whether the federal civil-rights claims were barred by the applicable statute of limitations.
2. Whether the claims seeking damages based on an allegedly invalid conviction were cognizable under 42 U.S.C. §§ 1983 and 1985.
3. Whether the defendants were immune from damages liability.
4. Whether 18 U.S.C. §§ 1028 and 1030 provide a private right of action.
5. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing the federal claims.

HOLDINGS

1. The plaintiff's claims under 42 U.S.C. §§ 1983 and 1985 were time-barred because Ohio's two-year limitations period had expired long before he filed the action.
2. The plaintiff could not pursue damages under § 1983 or § 1985 for claims that would necessarily imply the invalidity of his conviction because the conviction had not been reversed, expunged, declared invalid, or called into question by habeas relief.
3. The defendants were immune from the plaintiff's damages claims because judges have absolute judicial immunity for judicial acts, prosecutors have absolute immunity for advocacy performed on behalf of the state, and grand jurors have absolute quasi-judicial immunity for participation in the indictment process.
4. The criminal statutes 18 U.S.C. §§ 1028 and 1030 do not provide a private right of action.
5. The court declined to exercise supplemental jurisdiction over the remaining state-law claims after dismissing all federal claims.

KEY QUOTATIONS

> *"A claim for damages bearing that relationship to a conviction or sentence that has not been invalidated is not cognizable under § 1983."* (at 3)

> *"In cases where the federal law claims are dismissed before trial, the state law claims should also be dismissed."* (at 4)

FACTUAL BACKGROUND

Plaintiff was convicted in the Cuyahoga County Common Pleas Court on October 2, 2004, of murder, felonious assault, and kidnapping, and remains incarcerated under a sentence of eight years plus fifteen years to life. He alleged that he was denied a preliminary hearing, that a witness provided inconsistent testimony, and that the trial judge failed to declare a mistrial. He also asserted unintelligible claims concerning commercial contracts, fraud, and allegedly invalid oaths of office, seeking damages from the grand-jury foreperson, former prosecutors, and the trial judge.

PROCEDURAL HISTORY

Williams challenged his 2004 Cuyahoga County conviction, alleging that he was denied a preliminary hearing, that a witness gave inconsistent testimony, and that the trial judge failed to declare a mistrial. He sought monetary damages from the grand-jury foreperson, former prosecutors, and the presiding judge. The district court dismissed the action under 28 U.S.C. § 1915(e), declined supplemental jurisdiction over the state-law claims, and certified that an appeal could not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Neitzke v. Williams, 490 U.S. (1989)
- Lawler v. Marshall, 898 F.2d 1196 (6th Cir.)
- Sistrunk v. City of Strongsville, 99 F.3d 194, 197 (6th Cir.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 564 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Bibbo v. Dean Witter Reynolds, Inc., 151 F.3d 559, 561 (6th Cir.)
- Banks v. City of Whitehall, 344 F.3d 550, 553 (6th Cir.)
- Browning v. Pendleton, 869 F.2d 989 (6th Cir.) (en banc)
- Savage v. Unknown FBI Agents, 142 F.3d 436, 1998 WL 39318, at *1 (6th Cir. Feb. 10, 1998) (unpublished)
- Harris v. Board of Educ., 798 F. Supp. 1331, 1345 (S.D. Ohio 1992)
- Heck v. Humphrey, 512 U.S. 477, 486 (1994)
- Mireles v. Waco, 502 U.S. 9, 9 (1991)
- Barnes v. Winchell, 105 F.3d 1111, 1115 (6th Cir.)
- Imbler v. Pachtman, 424 U.S. 409, 431, 438 (1976)
- Pusey v. Youngstown, 11 F.3d 652, 658 (6th Cir.)
- United States v. Oguaju, No. 02-2485, 2003 WL 21580657, at *2 (6th Cir. July 9, 2003)
- Robinson v. Overseas Military Sales Corp., 21 F.3d 502, 511 (2d Cir.)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 724, 726 (1966)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION William M. Williams,) CASE NO. 1:25 CV 1832) Plaintiff,) JUDGE PAMELA A. BARKER) v.)) Memorandum of Opinion and Order Edward T. Cunneen, et al.,)) Defendants.) INTRODUCTION Pro se Plaintiff filed this action to challenge his 2004 conviction in the Cuyahoga County Common Pleas Court on charges of murder, felonious assault and kidnaping.

He names the Grand Jury foreperson, two former Cuyahoga County Prosecutors, and the Judge who presided over his case. He is serving a sentence imposed in 2004 of eight years plus fifteen years to life in prison. He claims that he was denied a preliminary hearing and instead was served with an indictment. He contends the prosecutor permitted a witness to provide inconsistent testimony and the Judge did not declare a mistrial.

His third claim is indecipherable, consisting of claims of commercial contracts and fraud, and "oaths of office falsely sworn to and fraudulently securitized, monetized and commercialized [making them] null and void ab initio." (Doc. No. 1 at PageID #: 5). He lists causes of action under 42 1 U.S.C. §§ 1983 and 1985, and 18 U.S.C. §§ 1028 and 1030. He also lists tort claims arising under state law and violations of the Ohio Revised Code.

He seeks monetary damages. STANDARD OF REVIEW Although pro se pleadings are liberally construed, Boag v. MacDougall, 454 U.S. 364, 365 (1982) (per curiam); Haines v. Kerner, 404 U.S. 519, 520 (1972), the Court is required to dismiss an in forma pauperis action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact.

Neitzke v. Williams, 490 U.S (1989); Lawler v. Marshall, 898 F.2d 1196 (6th Cir. 1990); Sistrunk v. City of Strongsville, 99 F.3d 194, 197 (6th Cir. 1996). A claim lacks an arguable basis in law or fact when it is premised on an indisputably meritless legal theory or when the factual contentions are clearly baseless. Neitzke, 490 U.S. at 327. A cause of action fails to state a claim upon which relief may be granted when it lacks "plausibility in the Complaint." Bell Atl.

Corp. v. Twombly, 550 U.S. 544, 564 (2007). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the Complaint are true.

Bell Atl. Corp., 550 U.S. at 555. The Plaintiff is not required to include detailed factual allegations, but must provide more than "an unadorned, the-Defendant-unlawfully-harmed-me accusation." Iqbal, 556 U.S. at 678. A pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. Id. In reviewing a Complaint, the Court must construe the pleading in the light most favorable to the Plaintiff.

Bibbo v. Dean Witter Reynolds, Inc., 151 F.3d 559, 561 (6th Cir. 1998). 2 DISCUSSION There are multiple reasons why this Complaint must be dismissed. First, the issue of statute of limitations must be addressed. Since no statute of limitations is contained in 42 U.S.C. §§ 1983 and 1985, state law provides the relevant time limitation.

In Ohio, a two-year statute of limitations applies to § 1983 claims. Banks v. City of Whitehall, 344 F.3d 550, 553 (6th Cir. 2003)(citing Browning v. Pendleton, 869 F.2d 989 (6th Cir. 1989) (en banc)); Savage v. Unknown FBI Agents, 142 F.3d 436, 1998 WL 39318 *1 (6th Cir. Feb. 10, 1998) (unpublished) (citing Harris v. Board of Educ., 798 F.Supp. 1331, 1345 (S.D.

Ohio 1992)). Plaintiff was convicted on October 2, 2004. He filed this action nearly twenty-one years later on September 3, 2025. The two-year statute of limitations for filing any claims under §§ 1983 and 1985 has long expired. These claims are time-barred.

In addition, Plaintiff cannot attack his conviction in a civil rights action for damages. In order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, Plaintiff must prove that the conviction or sentence has been reversed on direct appeal or called into question by a federal court’s issuance of a writ of habeas corpus, 28 U.S.C. § 2254.

Heck v. Humphrey, 512 U.S. 477, 486 (1994). A claim for damages bearing that relationship to a conviction or sentence that has not been invalidated is not cognizable under § 1983. Therefore, when a state prisoner seeks damages in a § 1983 suit, the Court must consider whether a judgment in favor of the Plaintiff would necessarily imply the invalidity of his conviction or sentence.

If it would, the Complaint must be dismissed unless the Plaintiff can demonstrate that the conviction or sentence has already been invalidated. Here, the Plaintiff claims his conviction is invalid because he did not receive a preliminary 3 hearing, and because a witness’s contradictory testimony was not excluded. His third claims based on oaths of office and commercial law are nonsensical; however, it too is aimed at attacking his conviction.

He is still in prison, serving his sentence. His conviction has not been overturned. His claims are not cognizable under 42 U.S.C. §§ 1983 and 1985. Furthermore, all of the Defendants are immune from suit. Judges are absolutely immune from suits for damages stemming from decisions they made while presiding over a case. Mireles v. Waco, 502 U.S. 9, 9 (1991); Barnes v. Winchell, 105 F.3d 1111, 1115 (6th Cir.

1997). Prosecutors are also absolutely immune from damages for actions and decision made in the course of acting as the advocate for the state. Imbler v. Pachtman, 424 U.S. 409, 431 (1976); Pusey v. Youngstown, 11 F.3d 652, 658 (6th Cir. 1993). Grand jurors have absolute quasi-judicial immunity for their participation in the indictment process. Imbler, 424 U.S. at 438.

In addition, 18 U.S.C. §§ 1028 and 1030 are criminal statutes. They do not provide a private right of action. U.S. v. Oguaju, No. 02-2485, 2003 WL 21580657, *2 (6th Cir. July 9, 2003); Robinson v. Overseas Military Sales Corp., 21 F.3d 502, 511 (2d Cir. 1994). Plaintiff's remaining claims arise, if at all, under state law. Supplemental jurisdiction exists whenever state law and federal law claims derive from the same nucleus of operative facts and when considerations of judicial economy dictate having a single trial.

United Mine Workers of America v. Gibbs, 383 U.S. 715, 724 (1966). The Court, however, may exercise discretion in hearing state law matters. Id. at 726. In cases where the federal law claims are dismissed before trial, the state law claims should also be dismissed. Id. Having dismissed Plaintiff's federal law claims, this Court declines jurisdiction to hear his state law claims.

4 CONCLUSION Accordingly, this action is dismissed pursuant to 28 U.S.C. §1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. IT IS SO ORDERED. s/Pamela A. Barker PAMELA A. BARKER Date: December 4, 2025 U. S. DISTRICT JUDGE 5