

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Harper v. Wargo

No. 26-cv-434-NJR (S.D. Ill. May 12, 2026) · No. 26-cv-434-NJR · Decided May 12, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Eazs A. Harper’s 42 U.S.C. § 1983 prisoner complaint following preliminary screening under 28 U.S.C. § 1915A. The court held that claims against the judge and prosecutors were barred by absolute immunity, claims against appointed counsel were not actionable under § 1983, the FOIA-related claim failed to state a constitutional claim, and damages claims concerning Harper’s conviction were barred by Heck v. Humphrey. The court dismissed the Heck-barred claims without prejudice, dismissed the remaining claims with prejudice, denied the motion for preliminary injunction as moot, assessed a strike under 28 U.S.C. § 1915(g), and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 12, 2026
DOCKET	26-cv-434-NJR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 subjected to preliminary screening under 28 U.S.C. § 1915A, together with a motion for preliminary injunction.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court screens a prisoner complaint and dismisses any portion that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential
PARTIES	Eazs A. Harper v. David Wargo, Scott Wobbe, James Gomric, Erin Conner, Cathy MacElroy, Erica Szewczyk, Scott Rosenblum, Nathan Swanson, John O’Gara, Sarah Wheeler

TOPICS

section 1983 prisoners rights federal habeas corpus injunctions civil procedure

PRACTICE AREAS

civil rights litigation prisoner litigation federal habeas corpus constitutional litigation FOIA

QUESTIONS PRESENTED

1. Whether the judge and prosecutors were immune from Harper's § 1983 damages claims based on judicial and prosecutorial acts.
2. Whether Harper's trial and appellate attorneys could be sued under § 1983.
3. Whether Harper stated a viable § 1983 due-process claim against a state FOIA officer for failing to provide requested records.
4. Whether Harper's damages claims based on alleged fabrication of evidence and suppression of exculpatory evidence were barred by *Heck v. Humphrey* because success would necessarily imply the invalidity of his outstanding conviction or sentence.
5. Whether Harper could obtain a new trial or dismissal of his conviction through a § 1983 action rather than a federal habeas petition.
6. Whether Harper was entitled to a preliminary injunction compelling production of documents under Illinois FOIA.

HOLDINGS

1. A judge is absolutely immune from § 1983 damages liability for judicial acts, including rulings made during the criminal case and the alleged failure to recuse.
2. State prosecutors are absolutely immune from § 1983 damages claims arising from initiating a prosecution and presenting the state's case.
3. Harper's trial and appellate attorneys were not proper defendants under § 1983.
4. Harper failed to state a federal constitutional claim against the Illinois State Police FOIA officer for failing to provide documents because Illinois FOIA governs requests to state agencies, § 1983 does not enforce state law, and Illinois FOIA does not provide a cause of action against an individual employee.
5. A state prisoner may not maintain a § 1983 damages claim when success would necessarily imply the invalidity of an outstanding conviction or sentence unless the conviction or sentence has already been invalidated through an authorized mechanism.
6. A state prisoner seeking to challenge the validity of a conviction or sentence must proceed through federal habeas corpus under 28 U.S.C. § 2254 after exhausting available state-court remedies; a § 1983 action cannot provide a new trial or dismissal of the conviction.
7. Harper was not entitled to a preliminary injunction compelling production of the requested documents because his FOIA theory did not state a viable claim.

KEY QUOTATIONS

“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, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus, 28 U.S.C. § 2254.” (Discussion)

“The claim for damages for violations by law enforcement is DISMISSED without prejudice. All other claims are DISMISSED with prejudice.” (Disposition)

FACTUAL BACKGROUND

Harper was convicted in Illinois state court of murder, attempted murder, and a gun offense and received a sentence exceeding 80 years. He alleged that police officers fabricated evidence, made false statements, coerced witnesses, misled the grand jury, and withheld exculpatory evidence, and that prosecutors and defense counsel failed to address those problems. He also challenged rulings and alleged bias by the state-court judge and claimed that an Illinois State Police FOIA officer failed to provide requested documents. Harper did not allege that his conviction or sentence had been reversed, expunged, declared invalid, or otherwise called into question by habeas relief.

PROCEDURAL HISTORY

Harper, an Illinois prisoner, filed a § 1983 complaint alleging constitutional violations arising from his criminal prosecution and conviction, seeking damages, a new trial, or dismissal of his conviction. He also moved for a preliminary injunction seeking documents requested under the Illinois Freedom of Information Act. The district court dismissed the complaint for failure to state a claim, dismissing the law-enforcement damages claim without prejudice and all other claims with prejudice, denied the preliminary-injunction motion as moot, counted the dismissal as a strike under § 1915(g), and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Richman v. Sheahan, 270 F.3d 430, 434-35 (7th Cir. 2001)
- Dawson v. Newman, 419 F.3d 656, 661 (7th Cir. 2005)
- Henry v. Farmer City State Bank, 808 F.2d 1228, 1238 (7th Cir. 1986)
- Imbler v. Pachtman, 424 U.S. 409, 431 (1976)
- Bianchi v. McQueen, 818 F.3d 309, 318 (7th Cir. 2016)
- Sceifers v. Trigg, 46 F.3d 701, 704 (7th Cir. 1995)
- Polk County v. Dodson, 454 U.S. 312, 317 n.4 (1981)
- Poole v. Saddler, No. 13-cv-4984, 2014 WL 585306, at *4 (N.D. Ill. Feb. 14, 2014)
- Bond v. Atkinson, 728 F.3d 690, 693 (7th Cir. 2013)

- Neff v. Walker, No. 09-0386, 2009 WL 498071, at *1 (D.D.C. Feb. 26, 2009)
- Mamarella v. County of Westchester, 898 F. Supp. 236, 237 (S.D.N.Y. 1995)
- Moorer-Bey v. Federal Bureau of Prisons, No. 12-212-GPM, 2012 WL 1409500, at *4 (S.D. Ill. Apr. 22, 2012)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- Graham v. Broglin, 922 F.2d 379, 380-81 (7th Cir. 1991)
- O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Byers v. Basinger, 610 F.3d 980, 985 (7th Cir. 2010)
- Richmond v. Scibana, 387 F.3d 602, 606 (7th Cir. 2004)
- Copus v. City of Edgerton, 96 F.3d 1038, 1039 (7th Cir. 1996)
- Scott v. Edinburg, 346 F.3d 752, 760 (7th Cir. 2003)
- Always Towing & Recovery Inc. v. City of Milwaukee, Always Towing & Recovery, Inc. v. City of Milwaukee, 2 F.4th 695, 707 (7th Cir. 2021)
- Bogie v. Rosenberg, 705 F.3d 603, 608 (7th Cir. 2013)
- Polzin v. Gage, 636 F.3d 834, 839 (7th Cir. 2011)
- Mockbee v. Lee, No. 20-2004, 2021 WL 5918556, at *2 (7th Cir. Dec. 15, 2021)
- Ammons v. Gerlinger, 547 F.3d 724, 725-26 (7th Cir. 2008)
- Sloan v. Lesza, 181 F.3d 857, 858-59 (7th Cir. 1999)
- Lucien v. Jockisch, 133 F.3d 464, 467 (7th Cir. 1998)