

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Tracey Shorter v. Pulaski County et al.

Shorter · No. 3:25cv821 DRL-SJF · Decided May 20, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismisses Tracey Shorter’s 42 U.S.C. § 1983 claims arising from her arrest, detention, alleged denial of medical care, and related municipal policies. The court holds that most claims are barred by Indiana’s two-year statute of limitations, while the malicious-prosecution claim is timely but fails because dismissal pursuant to a plea agreement does not constitute a favorable termination. The court grants the defendants’ motions to dismiss and dismisses the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Damon R. Leichty
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	May 20, 2026
DOCKET	3:25cv821 DRL-SJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought claims under 42 U.S.C. § 1983 and related state tort claims. After the court granted leave to amend following screening, defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court granted the motions and dismissed the amended complaint with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief under Rule 8(a)(2).
PRECEDENTIAL VALUE	unpublished_or_nonprecedential_district_court_opinion

PARTIES

Tracey Shorter v. Pulaski County, Chris Schramm, Andrew Speer,
Greg Shorter

TOPICS

motions to dismiss

statute of limitations

section 1983

civil rights

constitutional law

PRACTICE AREAS

civil rights litigation

constitutional law

federal civil procedure

municipal liability

malicious prosecution

QUESTIONS PRESENTED

1. Whether Shorter's Fourth Amendment unlawful-arrest claim was barred by Indiana's two-year statute of limitations.
2. Whether Shorter's unlawful-detention, denial-of-medical-care, and Monell claims were barred by the statute of limitations.
3. Whether the alleged denial of medical care was governed by the Fourth Amendment objective-unreasonableness standard rather than the Fourteenth Amendment deliberate-indifference standard.
4. Whether Shorter's Fourth Amendment malicious-prosecution claim was timely and barred by *Heck v. Humphrey*.
5. Whether dismissal of the underlying criminal charge pursuant to a plea agreement constituted a favorable termination for purposes of a Fourth Amendment malicious-prosecution claim.
6. Whether Shorter adequately pleaded that Greg Shorter acted under color of state law and participated in a § 1983 conspiracy.
7. Whether amendment would be futile.

HOLDINGS

1. A § 1983 unlawful-arrest claim accrues on the date of arrest. Because Shorter was arrested on July 13, 2023, but did not file suit until September 29, 2025, the claim was untimely and was dismissed with prejudice.
2. A claim for detention without probable cause accrues when the unjustified detention ends. Shorter's detention ended on July 15, 2023, so her September 29, 2025 filing was untimely.
3. Shorter's Monell claims and any Fourth Amendment claim based on denial of medical care accrued no later than July 15, 2023 because she knew of her arrest, detention, and denial of medical care by then. The claims filed more than two years later were barred.
4. For an arrestee who has not received a judicial determination of probable cause, the Fourth Amendment applies and the relevant inquiry is whether the conduct was objectively unreasonable under the circumstances, rather than whether officials acted with Fourteenth Amendment deliberate indifference.
5. A Fourth Amendment malicious-prosecution claim accrues when the underlying criminal prosecution terminates without a conviction. Shorter's claim was timely because the relevant prosecution ended on

February 8, 2024 and she filed suit within two years.

6. Heck did not require dismissal of Shorter's malicious-prosecution claim on the record presented because the underlying charges supporting her convictions were filed before the arrest and detention challenged in the § 1983 action, and the defendants did not show that success on the claim would necessarily invalidate those convictions.
7. Dismissal of a criminal charge pursuant to a plea agreement or compromise is not a favorable termination for purposes of a Fourth Amendment malicious-prosecution claim. Because Shorter's charge was dismissed as part of a plea agreement, she could not establish favorable termination and her claim failed as a matter of law.
8. A private individual may be liable under § 1983 under a conspiracy theory only when the plaintiff plausibly alleges a concerted effort with a state actor. Shorter's conclusory references to joint action and conspiracy did not allege an agreement or willful participation by Greg Shorter, and the claim was also untimely insofar as it was based on the arrest and detention.
9. Further amendment was futile and unwarranted because the claims were foreclosed by the statute of limitations or by the legal consequence of termination through a compromised plea agreement.

KEY QUOTATIONS

“Dismissal of a charge as part of a plea agreement or other compromise isn’t a favorable termination for a malicious prosecution claim.” (Discussion—favorable termination)

“Accordingly, the standard is not deliberate indifference but instead whether the conduct was “objectively unreasonable under the circumstances.”” (Discussion—medical care)

“For these reasons, the court GRANTS the motions to dismiss [14, 24] and DISMISSES Ms. Shorter’s complaint with prejudice.” (Conclusion)

FACTUAL BACKGROUND

On July 12, 2023, a Pulaski County judge issued ex parte protective orders prohibiting Tracey Shorter and Greg Shorter from interacting. After Deputy Andrew Speer served the orders and received a note from Greg Shorter, Speer arrested Tracey Shorter and transported her to jail; she alleges she was detained for approximately 50 hours without judicial review and was denied medication, adequate food, water, and medical attention. The related invasion-of-privacy charge was dismissed on February 8, 2024, pursuant to a plea agreement under which Shorter pleaded guilty in two other criminal cases filed before the arrest and detention at issue.

PROCEDURAL HISTORY

Shorter filed her original complaint on September 29, 2025, alleging constitutional violations arising from her arrest, detention, alleged denial of medical care, and related conduct. The court screened the complaint, dismissed it for pleading deficiencies, and granted leave to amend; the court later dismissed Doe defendants and Sergeant Seth Barton while allowing claims against the remaining defendants to proceed. Deputy Speer, Sheriff Schramm, and Pulaski County moved to dismiss, followed by Greg Shorter. After briefing, the district court dismissed all claims with prejudice and terminated the case.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- J.B. v. Woodard, 997 F.3d 714, 717 (7th Cir. 2021)
- Wudtke v. Davel, 128 F.3d 1057, 1060 (7th Cir. 1997)
- Muthana v. Mullin, 171 F.4th 967, 973 (7th Cir. 2026)
- Lewis v. Faulkner, 689 F.2d 100 (7th Cir. 1982)
- Meraz-Camacho v. United States, 417 F. App'x 558, 559 (7th Cir. 2011)
- Reynolds v. CB Sports Bar, Inc., 623 F.3d 1143, 1146 (7th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Indep. Tr. Corp. v. Stewart Info. Servs. Corp., 665 F.3d 930, 935 (7th Cir. 2012)
- McCauley v. City of Chi., 671 F.3d 611, 616 (7th Cir. 2011)
- Monell v. Dep't of Soc. Servs. of the City of New York, 436 U.S. 658, 694 (1978)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- Thurman v. Vill. of Homewood, 446 F.3d 682, 687 (7th Cir. 2006)
- Logan v. Wilkins, 644 F.3d 577, 582 (7th Cir. 2011)
- Cielak v. Nicolet Union High Sch. Dist., 112 F.4th 472, 477-78 (7th Cir. 2024)
- Gekas v. Vasiliades, 814 F.3d 890, 894 (7th Cir. 2016)
- Case v. Montana, 607 U.S. 107, 113 (2026)
- United States v. Plancarte, 105 F.4th 996, 999 (7th Cir. 2024)
- Madero v. McGuinness, 97 F.4th 516, 522 (7th Cir. 2024)
- Behav. Inst. of Ind., LLC v. Hobart City of Common Council, 406 F.3d 926, 929, 932 (7th Cir. 2005)
- Grieveson v. Anderson, 538 F.3d 763, 771 (7th Cir. 2008)
- Howell v. Wexford Health Sources, Inc., 987 F.3d 647, 654 (7th Cir. 2021)
- Thomas v. Neenah Joint Sch. Dist., 74 F.4th 521, 524 (7th Cir. 2023)
- Gill v. City of Milwaukee, 850 F.3d 335, 344 (7th Cir. 2017)
- Pulera v. Sarzant, 966 F.3d 540, 549 (7th Cir. 2020)
- Otis v. Demarasse, 886 F.3d 639, 645 (7th Cir. 2018)
- Wilson v. Wexford Health Sources, Inc., 932 F.3d 513, 517-18 (7th Cir. 2019)
- Tobey v. Chibucos, 890 F.3d 634, 646 (7th Cir. 2018)
- United States v. Kubrick, 444 U.S. 111, 122-23 (1979)
- Devbrow v. Kalu, 705 F.3d 765, 767 (7th Cir. 2013)
- Welton v. Anderson, 770 F.3d 670, 673 (7th Cir. 2014)

- *Chiaverini v. City of Napoleon*, 602 U.S. 556, 561-63 (2024)
- *Thompson v. Clark*, 596 U.S. 36, 39, 42-45 (2022)
- *Lee v. Harris*, 127 F.4th 666, 676 (7th Cir. 2025)
- *Mordi v. Zeigler*, 870 F.3d 703, 707 (7th Cir. 2017)
- *Evans v. Pokson*, 603 F.3d 362, 363-64 (7th Cir. 2010)
- *Hill v. Murphy*, 785 F.3d 242, 250 (7th Cir. 2015)
- *Hardrick v. City of Bollingbrook*, 522 F.3d 758, 762 (7th Cir. 2008)
- *Chapman v. Yellow Cab Coop.*, 875 F.3d 846, 848 (7th Cir. 2017)
- *King v. Kramer*, 763 F.3d 635, 642 (7th Cir. 2014)
- *Doe v. Smith*, 429 F.3d 706, 708 (7th Cir. 2005)
- *Carruthers v. Colton*, 153 F.4th 169, 186 (2d Cir. 2025)
- *Liu v. T&H Mach., Inc.*, 191 F.3d 790, 794 (7th Cir. 1999)
- *Payne v. Churchich*, 161 F.3d 1030, 1036 (7th Cir. 1998)
- *Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 519-20 (7th Cir. 2015)