

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Jonathon D. Carver v. Christine Burns-Hines, Bennie Vick, and
Christopher Ray

Carver · No. 25-cv-01803-JPG · Decided January 7, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Jonathon D. Carver’s 42 U.S.C. § 1983 action with prejudice at the preliminary-review stage. The court held that the claims were barred by Illinois’s two-year statute of limitations and deemed the action frivolous, counting the dismissal as a strike under 28 U.S.C. § 1915(g).

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	J. Phil Gilbert
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 7, 2026
DOCKET	25-cv-01803-JPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Preliminary screening of a prisoner civil-rights complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	At preliminary screening under 28 U.S.C. § 1915A, the court liberally construes factual allegations in a pro se complaint and dismisses claims that are frivolous, malicious, fail to state a claim, or seek damages from an immune defendant. Although an affirmative defense ordinarily need not be overcome at the pleading stage, dismissal is proper when the statute-of-limitations defense is apparent on the face of the complaint and renders the action frivolous.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order with no reporter or precedential designation stated in the opinion.
PARTIES	Jonathon D. Carver v. Christine Burns-Hines, Bennie Vick, Christopher Ray

TOPICS

section 1983

prisoners rights

statute of limitations

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the court could dismiss the § 1983 complaint at preliminary screening because the face of the complaint established that the claims were barred by Illinois's two-year statute of limitations.
2. Whether dismissal as time-barred warranted dismissal with prejudice and assessment of a strike under 28 U.S.C. § 1915(g).

HOLDINGS

1. Because 42 U.S.C. § 1983 contains no statute of limitations, Illinois's two-year limitations period for personal-injury actions governed the claims. The complaint showed on its face that the alleged injuries occurred between 2011 and 2017 and that the action was not filed until September 2025; therefore, the claims were time-barred.
2. A district court may dismiss a complaint at the pleading or preliminary-screening stage when the complaint itself establishes a valid statute-of-limitations defense and the action is therefore frivolous.
3. The action was dismissed with prejudice as time-barred and frivolous, and the dismissal counted as one strike under 28 U.S.C. § 1915(g).

KEY QUOTATIONS

“Because Plaintiff filed this lawsuit against all three defendants well beyond the 2-year statute of limitations applicable to his § 1983 claims, the Complaint shall be dismissed with prejudice as time-barred and assessed a “strike” because it is frivolous.”

“When the existence of a valid affirmative defense “is so plain from the face of the complaint that the suit can be regarded as frivolous, the district judge need not wait for an answer before dismissing the suit.””

FACTUAL BACKGROUND

Carver alleged that a conviction entered into the LEADS system in 2011 publicly exposed his status as a sex offender and led to various incidents through 2017. He further alleged that in September 2017 Christopher Ray induced another inmate to sexually harass him, which triggered an excessive-force incident, and that Bennie Vick later made a dismissive statement after viewing a video of the incident. Carver filed the present § 1983 action in September 2025, more than eight years after the latest alleged incident.

PROCEDURAL HISTORY

Carver filed a pro se action under 42 U.S.C. § 1983 seeking damages based on alleged disclosure of his sex-offender status, unlawful confinement, harassment, retaliation, and excessive force-related conduct occurring

between 2011 and 2017. The district court screened the complaint, determined from the face of the pleading that the claims were filed more than two years after the alleged injuries, and dismissed the entire action with prejudice as time-barred and frivolous. The dismissal was assessed as one strike under 28 U.S.C. § 1915(g), and the clerk was directed to close the case.

DISPOSITION

dismissed

CASES CITED

- Rodriguez v. Plymouth Ambulance Serv., 577 F.3d 816, 821 (7th Cir.)
- Chambers v. Cross, 788 F. App'x 1032, 1033 (7th Cir.)
- King v. One Unknown Fed. Corr. Officer, 201 F.3d 910, 913 (7th Cir.)
- Ashafa v. City of Chicago, 146 F.3d 459, 461 (7th Cir.)
- Cesal v. Moats, 851 F.3d 714, 721-22 (7th Cir.)
- O'Gorman v. City of Chicago, 777 F.3d 885, 888-89 (7th Cir.)
- Hollander v. Brown, 457 F.3d 688, 691 n. 1 (7th Cir.)
- Cancer Fndtn., Inc. v. Cerberus Capital Management, LP, 559 F.3d 671, 674-75 (7th Cir.)
- Walker v. Thompson, 288 F.3d 1005, 1009-10 (7th Cir.)
- Carver v. Ray, et al., No. 19-cv-00831-JPG

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