

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS JONATHON D. CARVER, B87919,)) Plaintiff,)) vs.) Case No. 25-cv-01803-JPG) CHRISTINE BURNS-HINES,) BENNIE VICK, and) CHRISTOPHER RAY,)) Defendants.) MEMORANDUM & ORDER GILBERT, District Judge: Plaintiff Jonathon D. Carver, an inmate in the custody of the Illinois Department of Corrections currently incarcerated at Big Muddy River Correctional Center, brings this civil rights action pursuant to 42 U.S.C. § 1983.

In the Complaint, Plaintiff alleges that Williamson County officials violated his constitutional rights by maliciously disclosing his status as a sex offender in publicly available records and causing his unlawful confinement, harassment, and retaliation. (Doc. 1). He seeks money damages. *Id.* The Complaint is subject to preliminary review under 28 U.S.C. § 1915A, which requires the Court to screen prisoner complaints and dismiss portions that are legally frivolous or malicious, fail to state a claim for relief, or seek money damages from an immune defendant.

Id. The factual allegations in a pro se complaint are liberally construed at this stage. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 821 (7th Cir. 2009). 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.

The Complaint Plaintiff sets forth the following allegations in the Complaint (Doc. 1, pp. 1-10): On June 8, 2001, Plaintiff was adjudicated guilty of aggravated sexual abuse. *Id.* at 5. He explains that as a juvenile offender, his status as a sex offender could not be legally exposed to the public. Plaintiff was charged with failing to register as a sex offender a decade later, after Christine Burns-Hines maliciously entered a conviction for one count of aggravated sexual abuse of a child into the LEADS system.

His status as a sex offender was made publicly available because of the entry in LEADS that was made during his adulthood in 2011. *Id.* From 2011 through 2017, Plaintiff endured several “illegal incidents” stemming from this entry, and he filed multiple written grievances to address them during his pretrial detention at Williamson County Jail. *Id.* at 6.

In September 2017, Officer Christopher Ray asked an inmate to sexually harass Plaintiff by calling him a “chomo/child molester,” and this triggered the use of excessive force against him in an incident that was captured on video. *Id.* Immediately after his release in 2017, Plaintiff filed a police complaint against Officer Ray, and Plaintiff was taken back into custody a few days later.

Sheriff Bennie Vick met with him and stated, “[S]on, you have to understand things like this happen.” *Id.* Sheriff Vick made this comment after watching the video of the excessive force incident. Officers then showed up at Menards, where Plaintiff’s stepdad worked at the time, and instructed him to “tell Jon’s mom to tell Jon not to return to the area.” *Id.* at 7.

Fearing for their safety, Plaintiff withdrew his complaint against Officer Ray.¹ *Id.* Discussion Plaintiff filed the Complaint pursuant to 42 U.S.C. § 1983, which contains no statute of limitations. The Court thus borrows the statute of limitations for personal injury actions that apply 1 Plaintiff’s lawsuit filed in federal court against Christopher Ray on July 31, 2019 was dismissed with prejudice at his request in late April 2020.

See *Carver v. Ray, et al.*, No. 19-cv-00831-JPG (Docs. 23-25). in the state where the alleged injuries occurred. See *Chambers v. Cross*, 788 F. App’x 1032, 1033 (7th Cir. 2019) (citing *King v. One Unknown Fed. Corr. Officer*, 201 F.3d 910, 913 (7th Cir. 2000)); *Ashafa v. City of Chicago*, 146 F.3d 459, 461 (7th Cir. 1998). Plaintiff’s injuries occurred in Illinois, which has a 2-year statute of limitations for personal injury claims like those alleged in the Complaint.

735 ILCS § 5/13-202; *Cesal v. Moats*, 851 F.3d 714, 721-22 (7th Cir. 2017). Therefore, Plaintiff was required to bring this lawsuit within two years of his injuries. According to the allegations, Plaintiff’s injuries occurred between 2011 and 2017, so he should have filed this lawsuit in federal court years ago. Plaintiff instead filed suit more than eight years after the final incident.

He did not sign the Complaint until September 5, 2025, see Doc. 1, p. 8, or mail it to the Court for filing until September 15, 2025, see Doc. 1, p. 9. Given this, the Court finds that Plaintiff's claims are barred by the applicable 2-year statute of limitations. When pleading claims, a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is facially plausible.

O'Gorman v. City of Chicago, 777 F.3d 885, 888-89 (7th Cir. 2015) (citations omitted). The allegations must raise a right to relief above the speculative level. *Id.* A plaintiff can plead himself out of court with factual allegations clearly establishing that he is not entitled to relief as a matter of law. *Id.* (citing *Hollander v. Brown*, 457 F.3d 688, 691 n. 1 (7th Cir.

2006)). Although a plaintiff is not required to overcome an affirmative defense like the statute of limitations at the pleadings stage, the district court may dismiss a complaint if a plaintiff alleges facts sufficient to establish a statute of limitations defense on the face of the complaint. *Id.* (citing *Cancer Fndtn., Inc. v. Cerberus Capital Management, LP*, 559 F.3d 671, 674-75 (7th Cir.

2009)). 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." See *Walker v. Thompson*, 288 F.3d 1005, 1009-10 (7th Cir. 2002). Plaintiff's allegations clearly show that Plaintiff's § 1983 Complaint was filed well beyond the 2-year limitations period.

Plaintiff has pleaded himself out of court. As such, his claims are time-barred and this suit is frivolous. The action shall be dismissed with prejudice and count as a "strike." *Id.* Disposition IT IS ORDERED that the Complaint (Doc. 1) and entire action are DISMISSED with prejudice as being time-barred and frivolous. This dismissal counts as one of three "strikes" allotted under 28 U.S.C. § 1915(g).

If Plaintiff wishes to appeal this dismissal, his notice of appeal must be filed with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for leave to appeal in forma pauperis should set forth the issues Plaintiff plans to present on appeal. See FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$605.00 appellate filing fee irrespective of the outcome of the appeal.

See FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur another "strike" under 28 U.S.C. § 1915(g). A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

The Clerk's Office is DIRECTED to close this case and enter judgment accordingly. IT IS SO ORDERED. DATED: 1/7/2026 s/J. Phil Gilbert J. PHIL GILBERT United States District Judge

