

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted February 21, 2014*

Decided February 21, 2014

Before

RICHARD D. CUDAHY, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 13-3017

JEFFREY HARRIS,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Western District of Wisconsin.

v.

No. 13-cv-486-bbc

ADAME HASSE,
Defendant-Appellee.

Barbara B. Crabb,
Judge.

ORDER

In this suit under 42 U.S.C. § 1983, Jeffrey Harris alleges that his probation officer violated his constitutional rights by forcing him, under threat of imprisonment, to accept an extension of his probation without a hearing. Harris seeks an order staying

* The defendant was not served with process in the district court and is not participating in this appeal. After examining the appellant's brief and the record, we have concluded that the case is appropriate for summary disposition. Thus, the appeal is submitted on the appellant's brief and the record. *See* FED. R. APP. P. 34(a)(2)(C).

“the execution of arrest warrant, and mandatory appearances.” The district court dismissed the suit at screening without prejudice. 28 U.S.C. § 1915(e)(2).

We agree with the district court that Harris chose the wrong vehicle to challenge the extension of his probation. Probation is a form of custody, *Minnesota v. Murphy*, 465 U.S. 420, 430 (1984); *Drollinger v. Milligan*, 552 F.2d 1220, 1224 (7th Cir. 1977), and § 1983 cannot be used to attack the fact or length of custody, *Preiser v. Rodriguez*, 411 U.S. 475, 489–90 (1973); *Williams v. Wisconsin*, 336 F.3d 576, 579–80 (7th Cir. 2003). Instead, Harris may pursue his grievance only in a collateral action after exhausting his available state remedies. *See* 28 U.S.C. § 2254; *Williams*, 336 F.3d at 579–80; *Drollinger*, 552 F.2d at 1224–25.

AFFIRMED.