

NONPRECEDENTIAL DISPOSITION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 May 27, 2025*

Decided May 30, 2025

Before

DIANE S. SYKES, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-2743

DAVID EDWARD JACKSON III,
Plaintiff-Appellant,

v.

BERNARD CARTER, *et al.*,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Indiana, Hammond Division.

No. 2:24-CV-9-PPS-APR

Philip P. Simon,
Judge.

ORDER

David Edward Jackson III complains in this suit about events concerning his criminal convictions, revocations of probation, child-custody proceedings, and other events.

According to Jackson's complaint, whose allegations we must accept for current purposes, he pleaded guilty in 2021 to sexual misconduct with a minor. Nadia Wardrip, a prosecutor in Lake County, Indiana, proposed a harsher bargain than her predecessor

* After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f).

sought. Jackson took the revised offer but contends that Wardrip was biased against him because he had sued the employer of her spouse; he also asserts that she knew about some false statements by the victim but did not turn over exculpatory evidence.

After being sentenced to a term of probation, Jackson was supervised by Jacob Otto. Jackson asserts that Otto imposed conditions in addition to those included in the plea agreement and judgment, refused to approve his chosen therapist, and required him to undergo an unnecessary assessment for addiction.

While on probation, Jackson was involved in a child-custody proceeding. Wardrip testified during this proceeding and furnished counsel with some records from the criminal prosecution. Otto asked the court to revoke Jackson's probation; Wardrip testified during the revocation proceedings. Although the court revoked Jackson's probation, he obtained collateral relief in state court. He pleaded guilty again, and his probation was revoked again (on Otto's request). In this suit under 42 U.S.C. §1983 he seeks money damages for these events and other perceived wrongs.

The district judge observed that most of Jackson's legal theories rest on state rather than federal law, but that state-law theories do not support federal jurisdiction under 28 U.S.C. §1332 because all parties are citizens of Indiana. A non-frivolous claim under federal law comes within federal jurisdiction even if it is doomed to fail, see *Bell v. Hood*, 327 U.S. 678 (1946), but the judge thought Jackson's theories too feeble to support jurisdiction. See, e.g., *Hagans v. Lavine*, 415 U.S. 528 (1974). The judge observed that some of the claims are blocked by the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994), and *Edwards v. Balisok*, 520 U.S. 641 (1997), because the convictions and revocation decisions remain in force, while other theories are blocked by principles of immunity (such as prosecutorial immunity, *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993), and witness immunity, *Briscoe v. LaHue*, 460 U.S. 325 (1983)).

The district judge invited Jackson to amend his complaint to establish federal jurisdiction. Instead of doing that, Jackson filed a 355-page document that named 49 additional defendants, including his landlord, several other private entities, the State of Indiana, and federal agencies and officials. The district court observed that the joinder of many unrelated claims and defendants violated Fed. R. Civ. P. 18 and 20 without solving the jurisdictional problem, so it rejected the new filing and dismissed the case.

Although frivolous claims do not support federal jurisdiction, the district court's main concerns—improper joinder, immunity, and *Heck*—do not stem from frivolousness. A suit barred by *Heck* and *Edwards* is premature (because the claim does not accrue until the conviction is set aside), not frivolous. (A given claim *may* be substantively frivolous, but not because of *Heck*.) Immunities are affirmative defenses, which

complaints need not anticipate and plead around. Improper joinder can be solved by severance and other management devices, see *Owens v. Evans*, 878 F.3d 559, 566 (7th Cir. 2017); putting unrelated claims into one complaint does not establish that all of them must be frivolous. Nor does the fact that the complaint did not identify a good legal theory. Complaints need not plead law. See *Johnson v. Shelby*, 574 U.S. 10 (2014).

Still, Jackson cannot surmount the difficulties the district judge identified. The suit is premature in large part for the reasons given in *Heck* and *Edwards*. See *Savory v. Cannon*, 947 F.3d 409, 418–19 (7th Cir. 2020) (en banc) (*Heck* continues to apply even after state custody ends). *Briscoe* offers immunity to Wardrip and Otto for their testimony. Wardrip enjoys prosecutorial immunity for her role in negotiating the terms of the plea bargains and managing the prosecutions; the assertion that she had a retaliatory motive does not deprive her of immunity. *Tobey v. Chibucos*, 890 F.3d 634, 649–50 (7th Cir. 2018). *Tobey* also shows that Otto has immunity for his role in the probation-revocation process. *Ibid.* And the district judge was right to reject the proposed amended complaint, which flagrantly violated the rules of joinder without showing why any of Jackson’s claims belongs in federal court.

Because this suit is going nowhere in federal court, Jackson was not entitled to the district judge’s aid in recruiting counsel. See *Watts v. Kidman*, 42 F.4th 755 (7th Cir. 2022).

The district judge dismissed this suit without prejudice, which is proper to the extent that the decision rests on *Heck* and *Edwards*, and also to the extent that it rests on improper joinder. Absolute immunity entitles the defendants to dismissal with prejudice on some of the claims, but the lack of a cross-appeal prevents us from modifying the judgment to be more favorable to defendants. *Greenlaw v. United States*, 554 U.S. 237 (2008). Because all federal claims and theories have been dismissed, it would be inappropriate for the federal court to resolve any claim under state law. See 28 U.S.C. §1367(c)(3). The resolution of this federal suit does not prevent Jackson from pursuing, in state court, any non-frivolous claims under state law.

AFFIRMED