

NONPRECEDENTIAL DISPOSITION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 September 2, 2025*

Decided September 3, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-3096

JUAN BALDERAS,
Plaintiff-Appellant,

v.

ROLANDO GONZALEZ, et al.,
Defendants-Appellees.

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

No. 22-cv-1098-pp

Pamela Pepper,
Chief Judge.

ORDER

Juan Balderas appeals the district court's judgment dismissing his civil rights complaint as time barred. We affirm.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

We accept the facts alleged in Balderas's operative complaint as true and review them in the light most favorable to him. *Thomas v. Neenah Joint Sch. Dist.*, 74 F.4th 521, 522 (7th Cir. 2023). Balderas says that in July 2019 he was wrongly accused by a relative of inappropriately touching his niece. He says that the relative lied about the episode to staff at St. Francis Hospital and Milwaukee police, that the hospital gave police "unmerited info," and that an investigating police officer "lied for her [own] benefit." Several days later, on July 23, 2019, officers arrested him without a warrant. Balderas says that he did not learn that the arrest was unlawful for nearly two years, when, in May 2021, he received an individualized report from Child Protective Services describing an unsubstantiated allegation of sexual abuse that was dropped in July 2019. Suspecting that the state may have dropped the charge before his arrest, Balderas sought the relevant police report. On February 16, 2022, he received the report and learned that, before his arrest, the state had decided not to proceed with the case.

On September 21, 2022, Balderas sued the Milwaukee Police Department and one of its officers for false arrest; he later amended the complaint to include additional officers, among others, for unlawful arrest, reputational damage, and defamation. *See* 42 U.S.C. § 1983. The defendants later moved to dismiss the suit, arguing that Wisconsin's three-year statute of limitations, which applies to claims under 42 U.S.C. § 1983, barred the action. The court agreed and dismissed the suit as untimely. Balderas's suit was untimely, the court determined, because his unlawful-arrest claim accrued when he was arrested on July 23, 2019, and he did not sue until September 21, 2022—two months beyond the limitations period.

On appeal, Balderas argues that the court erred when setting the accrual date as the date of his arrest. He contends that the claim did not accrue until February 16, 2022—when he discovered the police report confirming that, at the time of arrest, the state was not proceeding with charges against him. But a claim accrues when a plaintiff becomes "armed with the facts about the harm done to him." *United States v. Kubrick*, 444 U.S. 111, 123 (1979). Balderas alleged that he was arrested on July 23, 2019, for a crime he did not commit and was told that the officers did not have a warrant—enough information at that time to sue for unlawful arrest. *See Wallace v. Kato*, 549 U.S. 384, 388 (2007). Dismissal for untimeliness is appropriate if, as here, the plaintiff's allegations make clear that the statute of limitations bars recovery. *Milchtein v. Milwaukee County*, 42 F.4th 814, 822 (7th Cir. 2022).

Balderas also challenges the district court's dismissal at screening, 28 U.S.C. § 1915A, of his due process claim that his reputation was damaged by a public record

describing his arrest for the sexual assault of his minor niece. But as the court properly explained, Balderas did not allege a change in legal status, which is required to succeed on such a claim. *Doe v. Purdue Univ.*, 928 F.3d 652, 661 (7th Cir. 2019).

AFFIRMED