

NONPRECEDENTIAL DISPOSITION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 December 11, 2025*

Decided December 12, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 25-1550

JAMES FRENCH,
Plaintiff-Appellant,

v.

ALISHA LIZER, et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Western Division.

No. 23-cv-50114

Iain D. Johnston,
Judge.

ORDER

James French sued officials from the Village of Dakota, Illinois, for violating his rights under the First Amendment. *See* 42 U.S.C. § 1983. French alleged that the Village's mayor ordered a police officer to cite French for violating a municipal ordinance that prohibited distributing handbills without a permit. The district court

* 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).

judge entered summary judgment for the defendants, concluding that French's claims were barred by *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994), and in any event, the officials were entitled to qualified immunity. French appeals, but we agree that *Heck* bars his claims, so we affirm.

In June 2022, French, who is a resident of the Village of Dakota, went door-to-door to his neighbors' homes distributing literature that advocated for the boycott of bars and liquor stores in the town, as the Village had previously prohibited the sale of alcoholic beverages. Years earlier, French had been convicted of aggravated criminal sexual abuse and is required to register as a sex offender. While French was going door-to-door, some residents contacted the Village's mayor, Alisha Lizer, expressing concern that French may have been soliciting at houses where children were present.

Lizer contacted the Dakota Police Department and researched the Village's solicitation ordinance. Upon discovering that a Village ordinance that made it unlawful to engage in any solicitation without first obtaining a permit, *see* DAKOTA VILL. ORD., ch. 2, § 3-2-6, Lizer ordered Officer Bradley Curtis to cite French for violating the ordinance. After Curtis issued the citation, Lizer contacted the Village's legal counsel.

French then appeared in the Circuit Court of Stephenson County and pleaded guilty to violating the ordinance. He paid a \$25.00 fine plus \$100.00 in court costs.

French then sued Lizer, Curtis, and five members of the Village's Board of Trustees. He alleged that the defendants' enforcement of the solicitation ordinance against him violated his rights under the First Amendment. *See Watchtower Bible & Tract Soc. of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 153 (2002). French sought damages for costs associated with his legal defense and for mental anguish. Four months after French filed his complaint, the Village amended the solicitation ordinance to require permits only for commercial solicitation. *See* DAKOTA VILL. ORD., ch. 2, § 3-2-6 (2023).

The defendants moved for summary judgment, and the district judge granted the motion. First, the judge concluded that the trustees were not personally involved in the drafting or enforcement of the solicitation ordinance, so they were not liable under § 1983. *See Hernandez v. Lee*, 128 F.4th 866, 871 (7th Cir. 2025). Second, the judge concluded that because French's conviction for violating the ordinance remained intact, his claims were barred by *Heck*. Finally, the judge concluded that Lizer and Curtis were entitled to qualified immunity.

French appeals. He argues that the *Heck* bar does not apply to a conviction for violating a municipal ordinance and Lizer and Curtis are not entitled to qualified immunity.

But we agree with the district judge that *Heck* bars French's claims. *Heck* bars a suit for damages under § 1983 if the basis for the suit would undermine a conviction or sentence. 512 U.S. at 487. French was charged by complaint for a criminal violation, appeared in the Circuit Court of Stephenson County, pleaded guilty to violating the ordinance, and was assessed a fine and costs. He did not appeal the judgment against him, and his conviction has not been overturned. His argument now that enforcement of the municipal ordinance violated his constitutional rights would necessarily imply the invalidity of his conviction.

And while we have “reserved judgment on whether *Heck* applies to ‘an administrative proceeding or a finding of a violation of a city ordinance,’” *Kuhn v. Goodlow*, 678 F.3d 552, 555 (7th Cir. 2012) (quoting *Justice v. Town of Cicero*, 577 F.3d 768, 773 (7th Cir. 2009)), French has not persuaded us that *Heck* should not apply here. We have found no case holding that the *Heck* bar does not apply to a conviction for violating a municipal ordinance. See *Olivier v. City of Brandon, Miss.*, No. 22-60566, 2023 WL 5500223, at *6 (5th Cir. Aug. 25, 2023), *cert. granted on other grounds*, 145 S. Ct. 2871 (2025) (applying *Heck* to conviction for violating city ordinance); *Swiecicki v. Delgado*, 463 F.3d 489, 493–94 (6th Cir. 2006) (same). And *Heck* applies to some proceedings that lack procedural safeguards common to the judicial process, like prison disciplinary proceedings affecting the duration of confinement. See *Edwards v. Balisok*, 520 U.S. 641, 648 (1997); *Savory v. Cannon*, 947 F.3d 409, 423–26 (7th Cir. 2020) (en banc); cf. RESTATEMENT (SECOND) OF TORTS § 680 (AM. LAW. INST. 1977) (liability for wrongful initiation and continuation of non-ex parte civil administrative proceedings requires favorable termination). Moreover, the fact that French is not and never was in custody does not affect *Heck*'s application. See *Heck*, 512 U.S. at 490 n.10; *Savory*, 947 F.3d at 414–22 (holding that *Heck* controls outcome regardless of availability of habeas relief). French has filed a § 1983 action challenging the validity of his extant conviction, so his claims are barred by *Heck*.

Because we conclude that *Heck* bars French's claims for damages against Curtis and Lizer, we do not address his argument on the merits that Curtis and Lizer are not entitled to qualified immunity. Further, French does not contest on appeal the summary judgment for the members of the Board of Trustees.

AFFIRMED