NONPRECEDENTIAL DISPOSITION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 November 21, 2023*
Decided November 21, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 23-1334

ROBERT P. YOUNG,
Plaintiff-Appellant,

v.

CITY OF BLOOMINGTON, ILLINOIS, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Central District of Illinois.

No. 22-cv-01054-JES-JEH

James E. Shadid,
Judge.

O R D E R

Robert Young brought this civil-rights suit raising claims of official misconduct in connection with his criminal trial and conviction. The district court dismissed the complaint as barred under *Heck v. Humphrey*, 512 U.S. 477 (1994). We affirm.

* We have agreed to decide the case without oral argument because the issues have been authoritatively decided. FED. R. APP. P. 34(a)(2)(B).

Young was convicted of unlawful delivery of cocaine in 2006. His conviction was affirmed on appeal. *People v. Young*, 890 N.E.2d 972 (Ill. App. Ct. 4th Dist. 2008).[1]

In 2022, long after Young served his sentence, he brought this civil-rights suit for claims arising out of his state criminal case. 42 U.S.C. § 1983. Seeking both money damages and reversal of his conviction, Young asserted that the defendants maliciously prosecuted him, fabricated records, committed perjury, and assessed an unreasonable fine. He initially did not try to serve the complaint upon any defendant but later filed a certificate of service purporting to have served the defendants by certified mail.

When the defendants did not answer the complaint, Young moved for a default judgment. The defendants then filed appearances and moved to dismiss the complaint for failure to state a claim.

The district court granted the defendants' motion to dismiss on the basis that Young's complaint was barred by *Heck.* In *Heck*, the Supreme Court held that a plaintiff may not use § 1983 to challenge the validity of his conviction unless the conviction has been reversed or invalidated. 512 U.S. at 585–87. The court also denied Young's motion for a default judgment because he had not shown that he effected valid service (i.e., because certified mail was not a proper method of service for any of the defendants).

On appeal, Young first asserts that *Heck* does not apply because his complaint arises under 28 U.S.C. § 1331 and not § 1983. But § 1331 itself does not allow the court to hear his case; the complaint must also "point to an underlying source of federal law" under which the claim arises. *Okere v. United States*, 983 F.3d 900, 902–03 (7th Cir. 2020). Here, the underlying source is § 1983. And under *Heck*, any civil action, regardless of the relief sought, is barred if it necessarily implies the invalidity of a criminal conviction. 512 U.S. at 486–87; *Morgan v. Schott*, 914 F.3d 1115, 1120 (7th Cir. 2019). This constraint applies even after a prisoner has been released from custody. *Savory v. Cannon*, 947 F.3d 409, 419 (7th Cir. 2020) (en banc).

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[1] Two years after his conviction was affirmed, Young filed a habeas petition raising arguments similar to those he presents here. The district court denied the petition, finding that Young procedurally defaulted his claims. *Young v. Robert*, No. 10-1008, 2010 WL 3025022 (C.D. Ill. July 30, 2010). In 2023, he moved to reopen the case under Rule 60(b) of the Federal Rules of Civil Procedure. That motion too was denied, and he has since appealed. *Young v. Governor of Ill., et al.*, No. 10-1008, 2023 WL 1825058 (C.D. Ill. Feb. 8, 2023), *appeal docketed*, No. 23-1436 (7th Cir. Mar. 8, 2023).

Second, Young challenges the denial of his request for a default judgment, arguing that he properly served the defendants by certified mail in accordance with Rule 4(i) of the Federal Rules of Civil Procedure. But Rule 4(i) refers to service upon the United States and its employees, which the defendants here are not. The defendants—a municipality, a county state's attorney, and a city detective—may be served only by the methods described in Rule 4(j) (or by any method permitted by state law). *See United States v. Ligas*, 549 F.3d 497, 500–01 (7th Cir. 2008); *Homer v. Jones-Bey*, 415 F.3d 748, 754–55 (7th Cir. 2005). Certified mail is not one of the enumerated means set forth in Rule 4 by which these defendants may be served a summons. *See* FED. R. CIV. P. 4(c), (j). Nor is certified mail a valid alternative under Illinois law. *See* 735 ILCS § 5/2-211. Finally, a default judgment is appropriate only when the defendants have properly been served but have failed to plead or otherwise defend. *See* FED. R. CIV. P. 4(k)(1) (serving a summons establishes personal jurisdiction over a defendant who is subject to general jurisdiction); *Ligas*, 549 F.3d at 500; FED. R. CIV. P. 55; *e360 Insight v. Spamhaus Project*, 500 F.3d 594, 598 (7th Cir. 2007) ("Default judgments rendered without personal jurisdiction are void … .").

We have considered the remaining arguments Young raises on appeal, and none has merit.

AFFIRMED