

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

JASON W. TUCKER, SR.,	)	
	)	
Plaintiff,	)	
	)	NO. 1:10 CV 266 JM
v.	)	
	)	
BRIAN SHARP, et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

Jason W. Tucker, Sr., a *pro se* plaintiff, filed an *in forma pauperis* petition and a complaint pursuant to 42 U.S.C. § 1983. Tucker alleges that on March 29, 2008, he was arrested either without probable cause or with an invalid arrest warrant. Tucker does not say what happened after the arrest, though he does ask for the charges against him to be dismissed. It is not possible to obtain that relief in a civil rights lawsuit because “habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release” *Heck v. Humphrey*, 512 U.S. 477, 481 (1994). Nevertheless, he also seeks monetary damages. Because prevailing in this civil action could not undermine the validity of his convictions, if any, it is not necessary to know whether he was convicted. *See Heck* and *Gilbert v. Cook*, 512 F.3d 899, 901 (7th Cir. 2008).

However, the claims arose on the date of his arrest: that is, March 29, 2008. “Indiana’s two-year statute of limitations . . . is applicable to all causes of action brought in Indiana under 42 U.S.C. § 1983.” *Snodderly v. R.U.F.F. Drug Enforcement Task Force*,

239 F.3d 892, 894 (7th Cir. 2001). As a result, Tucker only had until March 29, 2010 to file a lawsuit related to his arrest on March 29, 2008, but this case was not filed until August 9, 2010. Therefore, it is untimely.

For the foregoing reasons, the *in forma pauperis* petition is denied and this case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

**SO ORDERED.**

Date: September 1, 2010

s/James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT