## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

CLYDE B. WILLIAMS,

Plaintiff,

OPINION & ORDER

v.

15-cv-170-jdp

WARDEN MIKE DITTMANN,

Defendant.

Plaintiff Clyde B. Williams is a prisoner in the custody of the Wisconsin Department of Corrections at the Columbia Correctional Institution. He seeks money damages for being falsely imprisoned for first-degree sexual assault of a child.

I dismissed plaintiff's original complaint under Federal Rule of Civil Procedure 8, explaining that plaintiff could not bring false imprisonment claims in this court unless he could show that the convictions he challenges have been overturned or expunged, and giving him another chance to explain whether this was the case. Dkt. 10, at 2-3 (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)).

Plaintiff has filed an amended complaint, which, like his original complaint, is difficult to follow. But he has made clear that he believes that his current convictions in Racine County case nos. 96CF826 and 00CF558 are invalid. As I instructed him in my previous order, this court cannot hear challenges to a conviction or sentence in a civil lawsuit for damages. The proper way to challenge his convictions would be in a habeas corpus action, but he has already brought an unsuccessful habeas case regarding these convictions. *See Williams v. Bartow*, 491 F.3d 611, 612 (7th Cir. 2007). Any new habeas petition he filed would almost certainly be barred as successive.

Plaintiff also argues that he has received a judgment of acquittal. He attaches a copy

of a judgment in case no. 00CF558 stating that two counts of child enticement against him

were dismissed. Dkt. 11-1. That judgment unfortunately includes the boilerplate statement

that "defendant is discharged," which may be a source of confusion for plaintiff. From the

online records of his criminal cases, his direct appeal, and his habeas action, it is clear that

this judgment was issued at the same time as a separate judgment of conviction for first-

degree sexual assault. He remains incarcerated on the convictions for the first-degree sexual

assault charges, not any charges that were dismissed. Because plaintiff fails to show that his

convictions have been overturned. I will dismiss this case as barred by *Heck*.

**ORDER** 

IT IS ORDERED that this case is DISMISSED under Heck v. Humphrey, 512 U.S. 477

(1994). The clerk of court is directed to enter judgment in favor of defendant and close this

case.

Entered February 5, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge

2