

U.S. Supreme Court Restricts Time For Filing A False Imprisonment Federal Civil Rights Lawsuit

The U.S. Supreme Court established a new rule of law in a February 2007 decision that can impact a person considering pursuit of money damages for an alleged false imprisonment or arrest, under the federal civil rights statute (42 U.S.C. §1983).

In *Wallace v. Kato*, 127 S.Ct. 1091 (U.S. 02/21/2007), the Court ruled by a 7-2 majority that the statute of limitations for filing a suit under §1983 for false imprisonment or arrest begins when a person's detention becomes a "legal process" due to an appearance before a judge or magistrate. At that point the detention can no longer be attributed to the "absence of legal process" due to a warrantless arrest. The statute of limitation for filing is dictated by the tort law of the state where the suit is filed.

The Court also clarified that the rule established by *Heck v. Humphrey*, 512 U. S. 477 (1994) — that the statute of limitations for filing a §1983 suit begins upon the termination of a criminal proceeding — only applies to a lawsuit based on claims related to "malicious prosecution," i.e., the "wrongful institution of legal process."

The immediate impact of *Wallace v. Kato* will be for people who from the date they first appeared before a judicial officer did not, or have not filed a §1983 lawsuit claiming false imprisonment or arrest within their state's filing deadline for a tort. (One exception may be that the filing deadline may be extended if the person was a minor during all or part of the alleged false imprisonment.)

Apart from its immediate effect, *Wallace v. Kato* can be foreseen to have several other consequences related to its time mandate for filing a §1983 lawsuit alleging false imprisonment or arrest. Those include:

- Unless a case has been favorably terminated in a person's favor prior to expiration of the statute of limitations, they are unlikely to interest a lawyer in handling the case on a contingency basis. That

means the person and his or her family will have to front the expense of hiring a lawyer — which is an extremely expensive proposition for a federal lawsuit.

- In the absence of being able to afford a lawyer to pursue the lawsuit, the complaining person will have to do so *pro se*, which is a daunting task for a lay person to do so competently.
- Often times the evidence proving that a person was falsely imprisoned or arrested doesn't surface until years after their conviction — and long after a §1983 suit filed within a specified period from the person's first appearance before a magistrate or judge would have been dismissed.
- Police and prosecutors now know that if they can successfully conceal evidence until the filing deadline expires, that the unconstitutional conduct related to a person's false imprisonment/arrest will likely not result in a §1983 lawsuit.
- After a person has been exonerated following many years of wrongful imprisonment the judge, and in most cases the prosecutor and the prosecutor's investigators, are absolutely immune from a lawsuit. Thus the person(s) most likely to be targeted in a lawsuit are the ones most vulnerable to being held financially responsible under §1983 — the law enforcement officers involved in the person's false arrest — and the strict filing deadline mandated by *Wallace v. Kato* will make it so a person with incontrovertible proof of police wrongdoing may be barred from collecting damages.

Justice Breyer alluded in his dissent to a significant rationale underlying the *Wallace v. Kato* decision, that Justice Roberts mentioned when the case was argued orally. That is the desire to allow a police officer to have peace of mind that wrongdoing in a case won't come back to haunt him or her in the form of a §1983 lawsuit filed by a person exonerated years later.

Excerpts from *Wallace v. Kato* follows:

Wallace v. Kato, 127 S.Ct. 1091 (U.S. 02/21/2007)

[1] Supreme Court of the United States ...

[3] 127 S.Ct. 1091, 75 USLW 4107, 2007.SCT.0000025

<<http://www.versuslaw.com>>

[4] February 21, 2007

[5] Andre Wallace, Petitioner v.

Kristen Kato, et al.

...

[17] The opinion of the court was delivered by: Justice Scalia

...

[19] Petitioner filed suit under Rev. Stat. §1979, 42 U. S. C. §1983, seeking damages for an arrest that violated the Fourth Amendment. We decide whether his suit is timely.

[20] I.

[21] On January 17, 1994, John Handy was shot to death in the city of Chicago. Sometime around 8 p.m. two days later, Chicago police officers located petitioner, then 15 years of age, and transported him to a police station for questioning. After interrogations that lasted into the early morning hours the next day, petitioner agreed to confess to Handy's murder. An assistant state's attorney prepared a statement to this effect, and petitioner signed it, at the same time waiving his *Miranda* rights.

[22] Prior to trial in the Circuit Court of Cook County, petitioner unsuccessfully attempted to suppress his station house statements as the product of an unlawful arrest. He was convicted of first-degree murder and sentenced to 26 years in prison. On direct appeal, the Appellate Court of Illinois held that officers had arrested petitioner without probable cause, in violation of the Fourth Amendment. *People v. Wallace*, 299 Ill. App. 3d 9, 17-18 (1998). According to that court (whose determination we are not reviewing here), even assuming petitioner willingly accompanied police to the station, his presence there "escalated to an involuntary seizure prior to his formal arrest." *Id.*, at 18... On April 10, 2002, prosecutors dropped the charges against petitioner.

[23] On April 2, 2003, petitioner filed this §1983 suit against the city of Chicago and several Chicago police officers, seeking damages arising from, *inter alia*, his unlawful arrest. The District Court granted summary judgment to respondents and the Court of Appeals affirmed. According to the Seventh Circuit, petitioner's §1983 suit was time barred because his cause of action accrued at the time of his arrest, and not when his conviction was later set aside. *Wallace v. Chicago*, 440 F. 3d 421, 427 (2006). We granted certiorari ...

[24] II.

[25] Section 1983 provides a federal cause of action, but in several respects relevant here federal law looks to the law of the State in which the cause of action arose. This is so for the length of the statute of limitations: It is that which the State provides for personal-injury torts. ... The parties agree that under Illinois law, this period is two years. ...

...

[27] ... False arrest and false imprisonment overlap; the former is a species of the latter. ... We shall thus refer to the two torts together as false imprisonment. ... the allega-

Wallace cont. from p. 16

Wallace cont. from p. 15

tions before us arise from respondents' detention of petitioner without legal process in January 1994. They did not have a warrant for his arrest.

[28] The running of the statute of limitations on false imprisonment is subject to a distinctive rule – dictated, perhaps, by the reality that the victim may not be able to sue while he is still imprisoned: “Limitations begin to run against an action for false imprisonment when the alleged false imprisonment ends.” ... Thus, to determine the beginning of the limitations period in this case, we must determine when petitioner's false imprisonment came to an end.

[29] Reflective of the fact that false imprisonment consists of detention without legal process, a false imprisonment ends once the victim becomes held pursuant to such process – when, for example, he is bound over by a magistrate or arraigned on charges. ... Thereafter, unlawful detention forms part of the damages for the “entirely distinct” tort of malicious prosecution, which remedies detention accompanied, not by absence of legal process, but by wrongful institution of legal process. ... Thus, petitioner's contention that his false imprisonment ended upon his release from custody, after the State dropped the charges against him, must be rejected. It ended much earlier, when legal process was initiated against him ...

[30] ... the tort cause of action accrues, and the statute of limitations commences to run, when the wrongful act or omission results in damages. The cause of action accrues even though the full extent of the injury is not then known or predictable. ...

[31] We conclude that the statute of limitations on petitioner's §1983 claim commenced to run when he appeared before the examining magistrate and was bound over for trial. Since more than two years elapsed between that date and the filing of this suit – even leaving out of the count the period before he reached his majority – the action was time barred.

[32] III.

[33] This would end the matter, were it not for petitioner's contention that *Heck v. Humphrey*, 512 U. S., 477 (1994), compels the conclusion that his suit could not accrue until the State dropped its charges against him. In *Heck*, a state prisoner filed suit under §1983 raising claims which, if true, would have established the invalidity of his outstanding conviction. We analogized his suit to one for malicious prosecution, an element of which is the favorable termination of criminal proceedings. ...

[36] ... the *Heck* rule for deferred accrual is called into play only when there exists “a conviction or sentence that has not been ... invalidated,” that is to say, an “outstanding criminal judgment.” It delays what would otherwise be the accrual date of a tort action until the setting aside of an extant conviction which success in that tort action would impugn. ...

[38] ... If a plaintiff files a false arrest claim before he has been convicted, it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended. ... If the plaintiff is ultimately convicted, and if the stayed civil suit would impugn that conviction, *Heck* will require dismissal; otherwise, the civil action will proceed, absent some other bar to suit. ...

[41] Justice Breyer argues in dissent that equitable tolling should apply “so long as the issues that [a §1983] claim would raise are being pursued in state court.” ... Equitable tolling is a rare remedy to be applied in unusual circumstances, not a cure-all for an entirely common state of affairs. ...

[43] We hold that the statute of limitations upon a §1983 claim seeking damages for a false arrest in violation of the Fourth Amendment, where the arrest is followed by criminal proceedings, begins to run at the time the claimant becomes detained pursuant to legal

process. Since in the present case this occurred ... more than two years before the complaint was filed, the suit was out of time. ...

[52] Justice Breyer, with whom Justice Ginsburg joins, dissenting. ...

[55] Where a “plaintiff because of disability, irremediable lack of information, or other circumstances beyond his control just cannot reasonably be expected to sue in time,” courts have applied a doctrine of “equitable tolling.” ... The doctrine tolls the running of the limitations period until the disabling circumstance can be overcome. ...

[57] I find it difficult to understand why the Court rejects the use of “equitable tolling” in regard to typical §1983 plaintiffs. ... The Court's alternative – file all §1983 claims (including potentially *Heck*-barred claims) at once and then seek stays or be subject to dismissal and refile – suffers serious practical disadvantages. ... For one thing, that approach would force all potential criminal defendants to file all potential §1983 actions soon lest they lose those claims due to protracted criminal proceedings. For another, it would often require a federal court, seeking to determine whether to dismiss an action as *Heck* barred or to grant a stay, to consider issues likely being litigated in the criminal proceeding (Was the Constitution violated? Was the violation-related evidence necessary for conviction?). The federal court's decision as to whether a claim was *Heck* barred (say, whether the alleged constitutional violation was central to the state criminal conviction) might later bind a state court on conviction review. Because of this, even a claim without a likely *Heck* bar might linger on a federal docket because the federal court (or the plaintiff who has been forced to early file) wishes to avoid interfering with any state proceedings and therefore must postpone reaching, not only the merits of the §1983 claim, but the threshold *Heck* inquiry as well.

[58] Principles of equitable tolling avoid these difficulties. Since equitable tolling obviates the need for immediate filing, it permits the criminal proceedings to winnow the constitutional wheat from chaff, and thereby increase the likelihood that the constitutionally meritless claims will never (in a §1983 action) see the light of day. ...

[60] The use of equitable tolling in cases of potential temporal conflict between civil §1983 and related criminal proceedings is consistent with, indeed, it would provide for orderly adjudication, minimize the risk of inconsistent legal determinations, avoid clogging the courts with potentially unnecessary “protective” filings, and, above all, assure a plaintiff who possesses a meritorious §1983 claim that his pursuit of criminal remedies designed to free him from unlawful confinement will not compromise his later ability to obtain civil §1983 redress as well. ...

[64] ... My problem with the Court's approach lies in its insistence that all potential plaintiffs (including those whose suits may be *Heck* barred) file immediately – even though their suits cannot then proceed. With tolling, only rarely would a plaintiff choose to file a potentially *Heck*-barred §1983 suit while his criminal case is pending; and in those cases the district court could, if it wished, stay the action, or simply dismiss the suit without prejudice, secure in the knowledge that the suit could be timely filed at a later date.

[65] ... With equitable tolling, ... defendants will be sued once, in suits with constitutional claims that a state court has not already found meritless, at a time when the suit can be promptly litigated. Given the practical difficulties of the Court's approach, I would not rule out now, in advance, the use of an equitable tolling rule along the lines I have described.

[66] ... For these reasons, I respectfully dissent.

