

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

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JOHNATHAN L. FRANKLIN,

Plaintiff,

v.

ADA JOHN R. BURR, CHIEF OF POLICE  
LT. DAVENPORT, DET. REINSTRA,  
DET. RICKEY, DET. MIKE MONTIE,  
DET. LINDA DRAEGER and CITY OF  
MADISON POLICE DEPARTMENT,

Defendant.  
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ORDER

12-cv-779-bbc

This civil case for damages was dismissed on January 13, 2013. Plaintiff Johnathan L. Franklin was suing defendants for money damages for violating his constitutional rights by interrogating him after he had requested the assistance of counsel, but his claim was foreclosed by the holding in Heck v. Humphrey, 512 U.S. 477 (1994), prohibiting claims for damages brought by a plaintiff when a judgment in favor of the plaintiff would “necessarily imply the invalidity of his conviction or sentence.” Plaintiff filed an appeal from the dismissal, which is pending.

The case is before the court on plaintiff’s request for service on all defendants by the United States Marshal under Fed. R. Civ. P. 4(c)(3). The motion will be denied. Plaintiff’s suit has been dismissed. He cannot proceed on it unless the court of appeals were to decide

that this court erred in dismissing it. Unless that happens, there is nothing to serve on the named defendants or any reason to give any consideration to plaintiff's suggestion that the parties engage in alternative dispute resolution.

ORDER

IT IS ORDERED that plaintiff Johnathan L. Franklin's request for service under Rule 4(c)(3) is DENIED.

Entered this 31st day of July, 2013.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge