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

JEREMY CHANTE VAUGHN,

Plaintiff,

v.

OPINION and ORDER

MARATHON COUNTY DIVISION OF COMMUNITY CORRECTIONS, STACY MORIN, BRENT WEILAND, and MATT SCHILLINGER,[1]

23-cv-243-wmc[2]

Defendants.

Pro se plaintiff Jeremy Chante Vaughn is incarcerated in the Marathon County Jail. He complains about his supervision conditions. Because Vaughn proceeds in forma pauperis, I must screen the complaint and dismiss any portion that is legally frivolous, malicious, fails to state a claim upon which relief may be granted or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. § 1915. In doing so, I must accept the allegations as true and construe the complaint generously, holding it to a less stringent standard than formal pleadings drafted by lawyers. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). With that standard in mind, I conclude that this lawsuit must be dismissed.

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[1] I have amended the caption to reflect the proper spelling of defendants' names as reflected in Vaughn's corrective amendment. Dkt. 10.

[2] I am exercising jurisdiction over this case for the purpose of screening only.

ALLEGATIONS OF FACT

Publicly available court records show that Vaughn was placed on probation in Marathon County Case No. 2021CF792 after pleading no contest to a felony charge.[3] Vaughn contends that defendant Stacy Morin continues to supervise him even though he has told her that he is attracted to her. Morin and Brent Wieland also repeatedly lied to the circuit court about Vaughn's efforts to attend domestic violence classes as part of his supervision. As a result, the circuit court imposed a 3-day rule violation sanction on Vaughn, and he is now facing eviction because he missed an opportunity to secure emergency housing assistance while detained. As of April 2023, his probation was being revoked.

Vaughn says that Matt Schillinger interfered with his relationship with his former girlfriend. Schillinger met with Vaughn's then girlfriend at some point and discussed Vaughn's sex offender registry status with her. Dkt. 1 at 3. Schillinger told her that Vaughn was "dangerous" and that "she should rethink [the] relationship." *Id.* Vaughn says this meeting was unnecessary because he had already told his former girlfriend about the charge against him. *Id.*

Vaughn also says that he cannot leave the county and he has been "squeezed" by "ridiculous rules" in retaliation for trying to finish his probation somewhere else. *Id.* at 4. He has had difficulty finding housing as a sex offender, and paying for hotels as well as the court and supervisions fees is financially burdensome. He is depressed, suicidal, and experiencing worsening symptoms of post-traumatic stress disorder.

[3] Vaughn's state circuit court records are available at https://wcca.wicourts.gov.

ANALYSIS

Vaughn's allegations that defendants have abused their authority in various ways implicate his due process rights. Vaughn asks the court to fire, retrain, or reassign Morin, Schillinger, and Wieland, for an apology, and to "federally investigate" the Marathon County Division of Community Corrections. *Id.* at 5. I cannot provide such relief in this type of civil lawsuit.

Vaughn also seeks damages, but he cannot proceed on those claims. To begin, Vaughn cannot sue the Marathon County Division of Community Corrections because organizations that are part of county government cannot be sued in this type of civil lawsuit. *See, e.g.*, *Whiting v. Marathon Cnty. Sheriff's Dept.*, 382 F.3d 700, 704 (7th Cir. 2004); *Buchanan v. City of Kenosha*, 57 F. Supp. 2d 675, 678 (E.D. Wis. 1999). If this defendant is part of the state government, it would be immune under the Eleventh Amendment. *DuPage Reg'l Off. of Educ. v. United States Dep't of Educ.*, 58 F.4th 326, 337 (7th Cir. 2023) ("Under the Eleventh Amendment, the states, including those entities that can be considered 'arms of the state,' are generally immune from suit in federal court.").

Nor has Vaughn stated a claim against Schillinger, and I cannot see how he could amend his allegations to state one. The constitution protects "intimate association, which is a component of substantive due process and concerns the right to enter into and maintain certain intimate human relationships." *Milchtein v. Milwaukee Cnty.*, 42 F.4th 814, 822 (7th Cir. 2022) (citation and internal quotation marks omitted). While Schillinger may have strained Vaughn's romantic relationship, he did not prevent Vaughn from associating with his then girlfriend. Schillinger's conduct does not rise to the level of a constitutional violation.

As for Morin and Weiland, Vaughn alleges that Morin continues to supervise him even though he said he is attracted to her, but he does not allege any impropriety on her part. Vaughn's other allegations against Morin and his allegations against Weiland arise from their role in the court's imposition of a 3-day rule violation sanction. But Vaughn cannot proceed on claims that challenge the fact, duration, or validity of his custody unless he first obtains a ruling that his sanction has been reversed, expunged, or invalidated in state court. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); *see also Drollinger v. Milligan*, 552 F.2d 1220, 1223–25 (7th Cir. 1977) (applying *Heck* rule to conditions of probation). Vaughn's challenge to his rule violation sanction as based on false information necessarily implies the invalidity of that custody.

For the same reason, Vaughn cannot proceed on challenges to his conditions of supervision, including limitations on where he can live, the consequences associated with being labeled a sex offender, and financially burdensome fees either. These rules and conditions "define the perimeters of [Vaughn's] confinement" and are part of his sentence. *Williams v. Wisconsin*, 336 F.3d 576, 579–580 (7th Cir. 2003). ("It is because of these restrictions that parolees remain 'in custody' on their unexpired sentences and thus may initiate a collateral attack while on parole.").

To challenge his conviction, and the fact or duration of his confinement, including conditions of probation, Vaughn will have to bring his claims in a habeas corpus proceeding after exhausting his state-court remedies. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005); *see also Tobey v. Chibucos*, 890 F.3d 643, 651 (7th Cir. 2018) ("The restrictions that make up probation are considered a type of confinement rather than conditions of confinement . . . If [plaintiff] wishes to challenge the imposition of these conditions, he must do so in a *habeas* proceeding

after exhausting his state court remedies."). The Seventh Circuit has directed district courts to avoid converting § 1983 complaints into petitions for writs of habeas corpus. "Normally, collateral attacks disguised as civil rights actions should be dismissed without—rather than with—prejudice. That resolution allows the plaintiff to decide whether to refile the action as a collateral attack after exhausting available state remedies." *Williams*, 336 F.3d at 580.

I will follow this approach in this case. Vaughn may be able to pursue relief under 42 U.S.C. § 1983 if he successfully challenges his conviction or the imposition of his probation restrictions. I note for Vaughn's benefit that if he means to challenge any ongoing state-court revocation proceedings in a civil rights lawsuit, principles of equity, comity, and federalism preclude federal courts from hearing cases that interfere with those proceedings. *Younger v. Harris*, 401 U.S. 37, 45 (1971).

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to correct the names of Marathon County Division of Community Corrections and Brent Weiland, Dkt. 10, is GRANTED.

2. Plaintiff is DENIED leave to proceed against defendants Matt Schillinger and the Marathon County Division of Community Corrections for failure to state a claim. Plaintiff's remaining claims are DISMISSED without prejudice.

3. This lawsuit is DISMISSED and the clerk of court is directed to close this case.

Entered June 2, 2023.

BY THE COURT:

/s/

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JAMES D. PETERSON
District Judge