

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted May 20, 2026*

Decided May 26, 2026

BeforeTHOMAS L. KIRSCH II, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 25-2008

WILLIAM GARDNER,
*Plaintiff-Appellant,**v.*KWAME RAOUL,
*Defendant-Appellee.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 1:25-cv-00058

Martha M. Pacold,
*Judge.***ORDER**

William Gardner brought two federal actions seeking to enjoin officials in Illinois from enforcing state criminal laws against him. At the time of the first suit, his state criminal proceedings were ongoing, so the district court dismissed the suit without prejudice based on the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37,

* The appellee was not served with process and is not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

43–45 (1971). Gardner then filed a second suit raising similar, but not identical, claims. The same judge who had handled the first suit struck Gardner’s filings in the second as “duplicative” and dismissed it. We affirm the district court’s dismissal of the second suit, but on other grounds.

In 2018, Gardner was convicted of multiple offenses in the Circuit Court of Cook County, Illinois. While his direct appeal was pending in the state appellate courts, he filed a federal lawsuit under 42 U.S.C. § 1983, alleging that state officials violated his rights under the Due Process Clause by initiating criminal proceedings without a valid indictment, denying him a trial by jury, altering the indictment by judicial order after the jury verdict, and refusing to acknowledge his postconviction motions.

The district court explained to Gardner that the proper vehicle for challenging his state criminal conviction is a petition for writ of habeas corpus under 28 U.S.C. § 2254 and advised Gardner to file such a petition or amend his complaint to avoid seeking relief that falls within the scope of collateral review. Gardner then amended his complaint to clarify that he did not seek to overturn his conviction, but instead sought a temporary restraining order and preliminary injunction to halt the continuation of his case through the state’s appellate process.

The district court dismissed sua sponte Gardner’s complaint without prejudice under *Younger*. On appeal, we affirmed, explaining that federal courts must abstain from enjoining ongoing state criminal proceedings absent extraordinary circumstances, *see Younger*, 401 U.S. at 53–54, and that Gardner failed to establish any such extraordinary circumstances.

While that appeal was pending, however, the Illinois Appellate Court affirmed Gardner’s conviction, and the Illinois Supreme Court denied Gardner’s petition for leave to appeal, rendering his conviction final.[†] *People v. Gardner*, 2024 IL App (1st) 211304-U; *People v. Gardner*, 244 N.E.3d 225 (Ill. 2024). Gardner did not inform this court or the district court of these developments.

[†] We take judicial notice of the state court records. *See Patrick v. City of Chicago*, 81 F.4th 730, 734 n.2 (7th Cir. 2023) (citing *Ewell v. Tony*, 853 F.3d 911, 917 (7th Cir. 2017)) (state court proceedings are a proper subject of judicial notice). Gardner also filed multiple petitions for relief from judgment, all of which were denied. *See People v. Gardner*, No. 1-24-0753, 2025 WL 2491156 at *2–3 (Ill. App. Ct. Aug. 29, 2025).

After his conviction became final, Gardner filed a second suit in federal court. He again sought an injunction preventing Illinois from enforcing its criminal laws against him. He reasserted his earlier claim that the state violated his rights under the Due Process Clause by prosecuting him without first securing a proper indictment, but in the second suit he added a new claim that the state lacks constitutional authority to enact and enforce criminal laws. He also moved for entry of default judgment.

Before service of process, the same judge who handled the first suit struck Gardner's filings in the second suit as a "duplication" of the first.

On appeal, Gardner argues that the district court erred in dismissing his second suit as duplicative. We agree. "No rule of federal law requires the dismissal of a second or successive civil suit, even if another concerning the same controversy is pending. ... Even when prudence calls for putting a redundant suit on hold, it must be stayed rather than dismissed unless there is no possibility of prejudice to the plaintiff." *Gleash v. Yuswak*, 308 F.3d 758, 760 (7th Cir. 2002).

That standard is not satisfied here. Although Gardner's first suit remained pending on appeal when the district court dismissed the second, the second differed from the first in at least two material respects. First, it included a new claim that the state exceeded its constitutional authority by enacting criminal laws—a theory not raised, and therefore not resolvable, in the first suit. Second, Gardner filed the second action after his conviction became final, so *Younger* abstention—the reason the district court dismissed the first suit—no longer applied. We therefore cannot say that the first suit offered a comprehensive solution or that dismissal of the second posed "no possibility" of prejudice, so the district court should have stayed, rather than dismissed, the second suit.

Ultimately, however, the district court was correct to dismiss Gardner's second suit. His claims—requesting relief from imprisonment by Illinois officials who he believes prosecuted him upon a defective indictment and under unconstitutional statutes—fall within the exclusive province of habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 489, 500 (1973). The Supreme Court has explained that proceedings under 42 U.S.C. § 2254 are "the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement." *Heck v. Humphrey*, 512 U.S. 477, 481 (1994)); *see also Huber v. Anderson*, 909 F.3d 201, 207–08 (7th Cir. 2018). This is true of both Gardner's direct attack that the indictment in his case was unlawful and his indirect attack that the statutes underlying his prosecution were unlawful. *See Wilkinson v. Dotson*, 544 U.S. 74, 81 (2005) (habeas is the exclusive remedy whether attacking custody

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directly or by implication). Therefore, his claims are not cognizable under § 1983 and must be dismissed. *See Heck*, 512 U.S. at 481; *Clayton-El v. Fisher*, 96 F.3d 236, 244 n.4 (7th Cir. 1996) (explaining that after *Heck*, § 1983 claims that should have been brought under § 2254 must be dismissed).

Gardner also argues that the district court should have entered default judgment because the defendants did not respond to Gardner's complaint. But because no defendants were served, it would not have been appropriate for the clerk to enter default or the district court to enter default judgment. *See* FED. R. CIV. P. 55.

AFFIRMED