

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, CENTRAL DIVISION

Bruce Edgar Smith v. South Dakota Board of Pardons and Paroles;
Alejandro Reyes

No. 3:25-CV-03003-ECS (D.S.D. Jan. 14, 2026) · No. 3:25-CV-03003-ECS · Decided January 14, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Bruce Edgar Smith’s Rule 60(b) motion seeking to assert or connect civil rights claims under 42 U.S.C. § 1983 to his habeas proceeding. The court held that habeas claims and § 1983 claims are mutually exclusive and that Smith’s notice of appeal deprived the district court of jurisdiction over his motions for joinder, amendment, and in forma pauperis status. The court also denied those motions on the alternative ground that they sought to avoid applicable Prison Litigation Reform Act filing-fee requirements.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Central Division
JURISDICTION	United States District Court for the District of South Dakota, Central Division
DECIDED	January 14, 2026
DOCKET	3:25-CV-03003-ECS
DISPOSITION	other
PROCEDURAL POSTURE	After dismissing Smith's fourth 28 U.S.C. § 2254 habeas petition as successive and after Smith filed a notice of appeal, the district court considered his Rule 60(b) motion and addressed his post-appeal motions for joinder, amendment, and in forma pauperis status relating to proposed 42 U.S.C. § 1983 claims.
STANDARD OF REVIEW	The court applied the jurisdictional rule governing the effect of a notice of appeal and considered the Rule 60(b) motion under the limited relief authorized by Federal Rule of Civil Procedure 60(b).
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Bruce Edgar Smith v. South Dakota Board of Pardons and Paroles, Alejandro Reyes

TOPICS

federal habeas corpus

post-conviction relief

appellate jurisdiction

motion for reconsideration

section 1983

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil rights

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the district court could consider Smith's Rule 60(b) motion after he filed a notice of appeal.
2. Whether Rule 60(b) permitted Smith to obtain relief in this habeas proceeding from judgments entered in other actions or to assert § 1983 damages claims in the habeas case.
3. Whether the district court had jurisdiction to consider Smith's post-appeal motions for joinder, amendment, and leave to proceed in forma pauperis.
4. Whether habeas claims and § 1983 civil-rights claims could be combined in a single proceeding.

HOLDINGS

1. Although a notice of appeal generally divests the district court of jurisdiction over aspects of the case involved in the appeal, the district court may consider and deny a Rule 60(b) motion on its merits while the appeal is pending.
2. Rule 60(b) does not authorize a district court in a habeas proceeding to grant relief from final judgments entered in other actions, and a habeas petition cannot be combined with a § 1983 damages complaint.
3. The filing of Smith's notice of appeal deprived the district court of jurisdiction to consider his motions for joinder, amendment, and leave to proceed in forma pauperis in connection with a proposed civil-rights complaint.

KEY QUOTATIONS

"It is well established that a habeas petition and civil complaint cannot be combined in one lawsuit."

(Discussion and Analysis § A)

"Smith's Rule 60(b) motion for relief from final judgment, Doc. 56, is denied." (Conclusion)

FACTUAL BACKGROUND

Smith was convicted in a 1997 South Dakota jury trial of eighteen counts of forcible rape and received multiple twenty-year sentences, with five sentences consecutive. He later filed four federal habeas petitions challenging that conviction and numerous civil actions while incarcerated. In this case, after filing a notice of appeal from dismissal of his fourth habeas petition, Smith attempted to assert damages claims arising from his 1997 arrest under 42 U.S.C. § 1983 through a Rule 60(b) motion, a proposed complaint, supplements, and motions for joinder and amendment.

PROCEDURAL HISTORY

Smith filed a fourth habeas petition challenging his 1997 South Dakota conviction. The magistrate judge recommended dismissal as successive or transfer to the Eighth Circuit; the district court overruled Smith's objections and dismissed the petition without prejudice, and no certificate of appealability issued. Smith appealed and was granted leave to proceed in forma pauperis on appeal, then filed a Rule 60(b) motion and related motions seeking to add or join damages claims under § 1983. The district court denied the Rule 60(b) motion on the merits and denied the remaining motions for lack of jurisdiction because the notice of appeal had divested the court of jurisdiction.

DISPOSITION

other

CASES CITED

- State v. Smith, 599 N.W.2d 344, 347-48, 355 (S.D. 1999)
- Liddell v. Bd. of Educ., 73 F.3d 819, 922 (8th Cir. 1996)
- Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)
- Hunter v. Underwood, 362 F.3d 468, 475 (8th Cir. 2004)
- Hutcherson v. Riley, 468 F.3d 750, 754 (11th Cir. 2006)
- Nelson v. Campbell, 541 U.S. 637, 643 (2004)
- Malone v. Calderon, 165 F.3d 1234, 1236-37 (9th Cir. 1999)
- Malave v. Hedrick, 271 F.3d 1139, 1140 (8th Cir. 2001) (per curiam)