

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Dale M. Denney v. Jeff Zmuda, et al.

Denney v. Zmuda · No. 25-3272-JWL · Decided March 17, 2026

SUMMARY

The United States District Court for the District of Kansas dismissed Dale M. Denney’s 42 U.S.C. § 1983 action challenging the computation of his Kansas state sentences and alleged continued custody. The court held that the claims were barred under Heck v. Humphrey because Denney had not shown that his sentences had been invalidated, and that requests for release or sentence-related injunctive relief had to be pursued through habeas corpus. The court also denied Denney’s three pending motions.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 17, 2026
DOCKET	25-3272-JWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a 42 U.S.C. § 1983 action alleging that Kansas improperly computed his state sentences and held him beyond his discharge date. The court issued an order to show cause regarding dismissal for failure to state a claim, and plaintiff responded and filed three motions. The court dismissed the complaint and denied the motions.
STANDARD OF REVIEW	Failure-to-state-a-claim review under the applicable pleading standard; the court assessed whether plaintiff had shown good cause why the action should not be dismissed.
PRECEDENTIAL VALUE	Unpublished district-court memorandum and order; the source record identifies its precedential status as unknown.
PARTIES	Dale M. Denney v. Jeff Zmuda, Michelle Sullivan

TOPICS

section 1983

prisoners rights

federal habeas corpus

post-conviction relief

pleadings

PRACTICE AREAS

civil rights

prisoner litigation

habeas corpus

federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff's § 1983 claims for damages based on an allegedly invalid or miscalculated sentence were cognizable without a prior reversal, expungement, invalidation, or federal habeas determination concerning the sentence.
2. Whether plaintiff's requests for discharge and injunctive relief affecting the duration of his custody could be pursued in a § 1983 action rather than through habeas corpus.
3. Whether plaintiff could convert his § 1983 civil-rights action into a habeas corpus action.
4. Whether plaintiff's motions concerning filing-fee payments, conversion to habeas corpus, and a projected release date should be granted.

HOLDINGS

1. A § 1983 claim for monetary damages that necessarily implies the invalidity of a criminal sentence does not accrue unless the sentence has been reversed on direct appeal, expunged by executive order, declared invalid by an authorized state tribunal, or called into question by a federal habeas writ. Plaintiff did not show that any of those events occurred, so his damages claims failed to state a claim.
2. Claims seeking discharge, release, or other relief that would result in a speedier release from custody must be pursued through habeas corpus rather than § 1983.
3. Plaintiff could not convert this § 1983 civil-rights action into a habeas corpus petition because the two types of actions involve different procedural rules, parties, forms, and filing fees.

KEY QUOTATIONS

“Under Heck, if a civil judgment necessarily implies the invalidity of a criminal conviction or sentence, a cause of action under § 1983 does not arise until the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by an authorized state tribunal, or called into question by the issuance of a federal habeas writ.” (§ III)

“The filing requirements for a habeas petition differ from a § 1983 action in significant ways: different procedural rules apply; different parties must be named; and the two actions require the use of different court forms and the payment of separate filing fees pursuant to 28 U.S.C. § 1914.” (§ III)

FACTUAL BACKGROUND

Plaintiff alleged that the Kansas Department of Corrections improperly computed his sentences in several Sedgwick County criminal cases by applying K.S.A. 21-4608(c), allegedly depriving him of sentence aggregation and approximately fifteen years of penal credit. He contended that the resulting computation caused him to remain confined beyond his proper discharge date. The state-court decisions attached to his response

addressed related habeas, parole, registration, or sentence-computation arguments but did not invalidate the sentence challenged in this action.

PROCEDURAL HISTORY

Plaintiff challenged the computation and aggregation of his Kansas sentences, seeking discharge, injunctive relief, compensatory damages, and punitive damages. The court previously determined that the damages claims were barred by Heck unless the sentence had been invalidated and that claims seeking release or a speedier release had to proceed in habeas corpus. Plaintiff's response and attached state-court decisions did not demonstrate that his sentence had been invalidated. The court dismissed the complaint for failure to state a claim and denied plaintiff's three pending motions.

DISPOSITION

dismissed

CASES CITED

- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Frey v. Adams Cnty. Court Servs., 267 F. App'x 811, 813 (10th Cir. 2008) (unpublished)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- United States v. Morgan, Case No. 08-20135-01-JWL, 2019 WL 2208155, at *1 (D. Kan. May 22, 2019)
- Denney v. Norwood, 465 P.3d 202, 2020 WL 3393773, at *2 (Kan. Ct. App. June 19, 2020)
- Denney v. Roberts, 177 P.3d 1012, 2008 WL 624706, at *1-*2 (Kan. Ct. App. Mar. 7, 2008)
- Denney v. Inmate Review Board, 553 P.3d 983, 2024 WL 3886829, at *1, *4 (Kan. Ct. App. Aug. 16, 2024)
- Smith v. Franklin, 465 F. App'x 788, 789 (10th Cir. 2012) (unpublished)
- Crosby v. True, 826 F. App'x 699, 701 (10th Cir. 2020) (unpublished)

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