

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, ABERDEEN DIVISION

Garrick Lashun Miller v. Brad Taylor, et al.

Miller v. Taylor · No. No. 1:25CV86-SA-DAS · Decided January 13, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denied Garrick Lashun Miller’s motion for miscellaneous relief. The court denied requests to stay proceedings, extend the deadline for service of process, and preserve evidence, explaining that the § 1983 cause of action had not accrued under Heck v. Humphrey while Miller’s related habeas petition remained pending.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Aberdeen Division
WRITING FOR THE COURT	David A. Sanders
JURISDICTION	United States District Court for the Northern District of Mississippi, Aberdeen Division
DECIDED	January 13, 2026
DOCKET	No. 1:25CV86-SA-DAS
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff moved for miscellaneous relief, requesting a stay of proceedings, an extension of the deadline to effect service of process, and preservation of evidence. The district court denied the motion in all respects.
PRECEDENTIAL VALUE	unknown
PARTIES	Garrick Lashun Miller v. Brad Taylor, et al.

TOPICS

- service of process
- federal habeas corpus
- statute of limitations
- civil procedure

PRACTICE AREAS

- civil procedure
- federal habeas corpus
- service of process
- statute of limitations

QUESTIONS PRESENTED

1. Whether the civil proceedings should be stayed while the plaintiff's related habeas corpus petition was pending.
2. Whether the deadline for service of process should be extended when the underlying cause of action had not yet accrued.
3. Whether the court should order preservation of evidence based on the plaintiff's unsupported allegation that relevant evidence might be lost or destroyed.

HOLDINGS

1. A stay was unnecessary because the plaintiff's civil cause of action would accrue only if he prevailed on his pending habeas corpus petition, and the limitations period had not begun to run.
2. The request to extend the deadline for service of process was denied because the plaintiff's cause of action had not accrued and service therefore was not yet required.
3. The request for an order requiring preservation of evidence was denied because the plaintiff alleged no facts supporting a risk that relevant evidence might be lost or destroyed.

KEY QUOTATIONS

“In sum the instant motion [18] for miscellaneous relief is DENIED in all respects”

FACTUAL BACKGROUND

The plaintiff's civil cause of action was related to a pending habeas corpus petition in the Southern District of Mississippi. The court determined that the civil claim would accrue only if Miller prevailed on that petition and found no facts indicating that relevant evidence might be lost or destroyed.

PROCEDURAL HISTORY

Miller brought a civil action while a related federal habeas corpus petition was pending in the Southern District of Mississippi. He moved to stay the civil proceedings, extend the service deadline, and require preservation of evidence; the Northern District of Mississippi denied each request.

DISPOSITION

other

CASES CITED

- Heck v. Humphrey, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994)

OPINION

Taylor

PER CURIAM.

FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION
GARRICK LASHUN MILLER PLAINTIFF
v. No. 1:25CV86-SA-DAS
BRAD TAYLOR, ET AL. DEFENDANTS
ORDER DENYING MOTION [18] FOR
MISCELLANEOUS RELIEF

This matter comes before the court on the plaintiff's motion [18] seeking: (1) a stay of proceedings; (2) an extension of the deadline to effect service of process; and (3) preservation of evidence. For the reasons set forth below, the instant motion will be denied in all respects. The plaintiff seeks a stay in proceedings until his related petition for writ of habeas corpus is resolved in the United States District Court for the Southern District of Mississippi. However, a stay is unnecessary because the present cause of action will accrue only if he prevails on his habeas corpus petition, which is currently pending. See *Heck v. Humphrey*, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994). As the limitations period on the instant case has not begun to run, a stay of proceedings is not necessary. Likewise, as the cause of action in this case has not accrued, the court need not issue service of process, and there is thus no need to extend the deadline for service of process. The plaintiff's request for such an extension will be denied. In addition, the plaintiff has alleged no facts to support the notion that evidence relevant to this case may be lost or destroyed; as such, his request for an order requiring preservation of evidence will be denied. In sum the instant motion [18] for miscellaneous relief is DENIED in all respects SO ORDERED, this, the 13th day of January, 2026. /s/ David A. Sanders