

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI

Thelmon Smith, III v. M.D.O.C. Commissioner, et al.

Smith v. M.D.O.C. Commissioner · No. No. 1:25CV146-JMV · Decided March 30, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denied Thelmon Smith III's motion to dismiss his pending state criminal case. The court held that because Smith sought dismissal of criminal charges and immediate release through a civil rights action under 42 U.S.C. § 1983, he must instead pursue habeas corpus relief under 28 U.S.C. § 2241; the denial was without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi
WRITING FOR THE COURT	Jane M. Virden
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	March 30, 2026
DOCKET	No. 1:25CV146-JMV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff in a 42 U.S.C. § 1983 action moved for dismissal of his pending state criminal case and immediate release from detention.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- habeas corpus
- section 1983
- motions to dismiss
- prisoners rights
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- habeas corpus
- federal jurisdiction and procedure

QUESTIONS PRESENTED

- Whether a state prisoner may obtain dismissal of pending state criminal charges and immediate release from detention through a motion in a 42 U.S.C. § 1983 action.
- Whether the plaintiff's requested relief must instead be pursued through a petition for writ of habeas corpus under 28 U.S.C. § 2241.

HOLDINGS

1. A state prisoner may not obtain dismissal of criminal charges or immediate release from detention through a § 1983 action when the requested relief challenges the fact or duration of confinement; habeas corpus is the exclusive remedy for that relief.

KEY QUOTATIONS

“habeas corpus petitions are the “exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release, even though such a claim may come within the literal terms of § 1983.”” (at 1)

FACTUAL BACKGROUND

The plaintiff alleged constitutional injury related to his arrest and prosecution and also challenged conditions of confinement. His requested relief included dismissal of the state criminal charges and immediate release from detention. He pursued that relief through a § 1983 civil action rather than a habeas petition under 28 U.S.C. § 2241.

PROCEDURAL HISTORY

The plaintiff brought a civil action under 42 U.S.C. § 1983 alleging constitutional injuries arising from his arrest, prosecution, and confinement. He then moved for dismissal of his pending state criminal case. The district court denied the motion without prejudice, explaining that the requested relief must be sought through habeas corpus rather than § 1983.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion is denied without prejudice to the plaintiff's ability to seek dismissal of the criminal charges or release through a petition for writ of habeas corpus under 28 U.S.C. § 2241.

CASES CITED

- Heck v. Humphrey, 512 U.S. 477, 481, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994)
- Edge v. Stalder, 240 F.3d 1074 (5th Cir. 2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI ABERDEEN DIVISION THELMON SMITH, III PLAINTIFF v. No. 1:25CV146-JMV M.D.O.C. COMMISSIONER, ET AL. DEFENDANTS ORDER DENYING PLAINTIFF’S MOTION [18] TO DISMISS STATE CRIMINAL CASE This matter comes before the court the plaintiff’s motion [18] for this court to dismiss his pending state criminal case.

The court must dismiss the instant motion, as in the Fifth Circuit, habeas corpus petitions are the “exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release, even though such a claim may come within the literal terms of § 1983.” *Heck v. Humphrey*, 512 U.S. 477, 481, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994); see also *Edge v. Stalder*, 240 F.3d 1074 (5th Cir.

2000). In the present case, the plaintiff alleges constitutional injury arising out of his arrest and prosecution, as well as conditions of his confinement. See Docs. 7, 16. He has raised his challenges through a civil suit filed under 42 U.S.C. § 1983, rather than a petition for writ of habeas corpus under 28 U.S.C. § 2241.

As such, the remedy he seeks in the instant motion (dismissal of his criminal charges and immediate release from detention) is not available in the instant case. The motion [18] is therefore DENIED, but without prejudice to the plaintiff’s ability to seek such relief through a petition for writ of habeas corpus under 28 U.S.C. § 2241. SO ORDERED, this, the 30th day of March, 2026.
/s/ Jane M. Virden UNITED STATES MAGISTRATE JUDGE