

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Sheldon Summers v. State of North Carolina

Summers · No. 5:26-cv-00103-MR · Decided June 2, 2026

SUMMARY

The United States District Court for the Western District of North Carolina denied Sheldon Summers’s motion to alter or amend the dismissal of his 28 U.S.C. § 2241 habeas petition. The court held that Summers did not establish grounds for relief under Federal Rule of Civil Procedure 59(e), including newly available evidence, an intervening change in law, clear legal error, or manifest injustice. The court also struck a duplicate filing and warned against further improper submissions.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
WRITING FOR THE COURT	Martifi Reidinger
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	June 2, 2026
DOCKET	5:26-cv-00103-MR
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a pro se letter construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e), following dismissal of the petitioner's pretrial 28 U.S.C. § 2241 habeas petition for failure to exhaust state remedies.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only in narrow circumstances: an intervening change in controlling law, newly available evidence, clear error of law, or manifest injustice. The court exercises discretion under that standard.
PRECEDENTIAL VALUE	Unpublished memorandum decision; precedential status is unknown in the source metadata.
PARTIES	Sheldon Summers v. State of North Carolina

TOPICS

- motion for reconsideration
- federal habeas corpus
- civil procedure
- criminal procedure

PRACTICE AREAS

federal habeas corpus

civil procedure

criminal procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether Summers's letter should be construed as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
2. Whether Summers established an intervening change in controlling law, newly available evidence, clear legal error, or manifest injustice warranting relief under Rule 59(e).
3. Whether the court could intervene in the pending state criminal proceedings by submitting materials to a county clerk, investigating the alleged unconstitutional bond, or changing venue.

HOLDINGS

1. The court construed Summers's letter as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).
2. The motion was properly denied because Summers did not show an intervening change in controlling law, newly available evidence, clear error of law, or manifest injustice.
3. The court could not improperly intervene in Summers's state criminal proceedings by submitting materials to a county clerk, investigating his bond, or changing venue.

KEY QUOTATIONS

“A district court has the discretion to grant a Rule 59(e) motion only in very narrow circumstances: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or to prevent manifest injustice.”” (at 708)

“Furthermore, “Rule 59(e) motions may not be used to make arguments that could have been made before the judgment was entered.”” (at 708)

FACTUAL BACKGROUND

Summers was arrested on August 3, 2022, on state charges arising from alleged offenses committed on September 25, 1992, including first-degree murder, robbery with a dangerous weapon, and assault with a deadly weapon with intent to kill or inflict serious injury. He was detained in the Iredell County Jail and alleged that he had been denied a speedy trial while suffering from Stage 4 metastatic prostate cancer without treatment at the jail. After the court dismissed his § 2241 petition for failure to exhaust state appellate remedies, he claimed that he had filed state writs and speedy-trial motions but received no response.

PROCEDURAL HISTORY

Summers filed a pro se § 2241 petition in the Eastern District of North Carolina. After he corrected deficiencies, the matter was transferred to the Western District of North Carolina, where the court dismissed the petition because he had not completed one full round of North Carolina appellate review. Summers then filed a letter

asserting efforts to pursue state remedies and requesting intervention in his state criminal proceedings; the court construed the letter as a Rule 59(e) motion, denied it, and struck a duplicate filing.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The Rule 59(e) motion was denied, and Docket No. 13 was stricken.

CASES CITED

- Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002)
- Collison v. Int'l Chem. Workers Union, 34 F.3d 233, 236 (4th Cir. 1994)
- Woodrum v. Thomas Mem'l Hosp. Found., Inc., 186 F.R.D. 350, 351 (S.D. W. Va. 1999)

OPINION

Summers

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NORTH CAROLINA

STATESVILLE DIVISION

5:26-cv-00103-MR

SHELDON SUMMERS,)

) Petitioner,))

vs.) MEMORANDUM OF

) DECISION AND ORDER

)

STATE OF NORTH CAROLINA,)

) Respondent.) _____) THIS MATTER is before the Court on Plaintiff’s letter¹ [Doc. 11], which the Court construes as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. On April 13, 2026, Pro Se Petitioner Sheldon Summers (“Petitioner”) filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241 in the United States District Court for the Eastern District of North Carolina. [Doc. 1]. After Petitioner corrected certain deficiencies in his petition, Chief United States District Judge Richard E. Myers, II, transferred the matter here where venue is proper. [Doc. 7]. Petitioner was arrested on August 3, 2022, on two counts of first-degree murder, two counts of robbery with a dangerous 1 Plaintiff has also since filed a duplicate copy of this letter [Doc. 13], which the Court will strike as improper. weapon, and one count of assault with a deadly weapon with intent to kill or inflict serious injury, all committed on September 25, 1992. [Doc. 4 at 2; Doc. 4-1 at 3].

He is currently detained in the Iredell County Jail in Statesville, North Carolina. [Id. at 1]. Among other things, Petitioner claimed that he has been detained since his arrest and denied a speedy trial despite having Stage 4, metastatic prostate cancer and receiving no treatment at the Jail. [Id. at 6]. Petitioner alleged having asserted an appeal to the Jail and to this Court. [Id. at 2-3]. The Court denied and dismissed Petitioner's § 2241 petition because Petitioner made no proper claim of having engaged one complete round of North Carolina's established appellate review process and, therefore, ostensibly failed to exhaust his state remedies before filing this action. [Doc. 9 at 4-5]. Now pending is Plaintiff's letter, which the Court construes as a motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e). [Doc. 11]. Petitioner contends that he has "tried" to exhaust all his state remedies "without any remedy or response from the administrative body." [Id. at 1 (errors uncorrected)]. Petitioner states that he "even put five or six writs and like ten speedy trial motion[s]" and wrote the Senior Resident Judge "without any response." [Id. (errors uncorrected)]. Petitioner asks the Court to "look into" his writ of habeas corpus and have it sent to the Clerk of Court in Iredell County. [Id. at 2]. Petitioner also asks the Court to investigate his unconstitutional bond and describes various alleged facts and circumstances he claims undermine his guilt.² [Id. at 2-4]. Regarding motions to alter or amend a judgment under Rule 59(e), the Fourth Circuit Court of Appeals has stated: A district court has the discretion to grant a Rule 59(e) motion only in very narrow circumstances: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or to prevent manifest injustice." *Hill v. Braxton*, 277 F.3d 701, 708 (4th Cir. 2002) (quoting *Collison v. Int'l Chem. Workers Union*, 34 F.3d 233, 236 (4th Cir. 1994)). Furthermore, "Rule 59(e) motions may not be used to make arguments that could have been made before the judgment was entered." *Id.* Indeed, the circumstances under which a Rule 59(e) motion may be granted are so limited that "[c]ommentators observe 'because of the narrow purposes for which they are intended, Rule 59(e) motions typically are denied.'" *Woodrum v. Thomas Mem'l Hosp. Found., Inc.*, 186 F.R.D. 350, 351 (S.D. W. Va. 1999) (quoting 2 In another letter Petitioner recently filed in this matter, he again asserts his innocence of the pending state charges and asks this Court to have the venue of those proceedings changed. [Doc. 12]. This Court has no authority to change the venue of Plaintiff's state criminal proceedings. Plaintiff is admonished against filing any further such letters with this Court. This matter has been and remains dismissed. Plaintiff is admonished that any future improper filings in this matter may be summarily stricken from the docket. 11 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 2810.1 (2d ed. 1995)). Petitioner has not shown the existence of the limited circumstances under which a Rule 59(e) motion may be granted. That is, Petitioner's motion does not present evidence that was unavailable when he filed his petition, nor does his motion stem from an intervening change in the applicable law. Furthermore, Petitioner has not shown that a clear error of law has been made, or that failure to grant the motion would result in manifest injustice to him. See *Hill*, 277 F.3d at 708. Rather, Petitioner merely sets out actions he has taken

in his criminal proceedings that do not show his having exhausted one complete round of the state appellate review process and asks the Court to improperly intervene in his state criminal proceedings by submitting materials to a county clerk and investigating his allegedly unconstitutional bond. The Court will, therefore, deny Petitioner's motion.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [Doc. 11] is DENIED. IT IS FURTHER ORDERED that Docket No. 13 is hereby STRICKEN from the docket in this matter. The Clerk is respectfully instructed to update the docket to reflect Docket No. 11 as a "Letter/MOTION." IT IS SO ORDERED. Signed: June 2, 2026 Martifi Reidinger ey Chief United States District Judge 'Ale