

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Jerry Lee Thomas v. Hope Thomas, et al.

Thomas · No. H-25-5816 · Decided February 10, 2026

SUMMARY

The United States District Court for the Southern District of Texas dismissed Jerry Lee Thomas’s pro se civil-rights action under 42 U.S.C. § 1983 following screening under the Prison Litigation Reform Act. The court held that the claims against the district attorney were barred by prosecutorial immunity, the claims against appointed defense counsel and a private individual failed to involve state action, and the claims against the police defendants were barred as premature under Heck v. Humphrey. The dismissal counted as a strike under 28 U.S.C. § 1915(g).

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	February 10, 2026
DOCKET	H-25-5816
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se pretrial detainee proceeding in forma pauperis filed a 42 U.S.C. § 1983 civil-rights action arising from his arrest and pending state criminal proceedings. The district court screened the complaint under the Prison Litigation Reform Act and dismissed all claims.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. §§ 1915A and 1915(e), accepting well-pleaded factual allegations as true, liberally construing the pro se pleading, and dismissing claims that were frivolous, failed to state a plausible claim, or sought relief from an immune defendant.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status not stated.
PARTIES	Jerry Lee Thomas v. Hope Thomas, Caleb Beacham, Stephen Gustitis, C. McConnell, Whitehead

TOPICS

section 1983 prisoners rights civil procedure criminal procedure probable cause

PRACTICE AREAS

civil rights prisoner litigation criminal procedure federal civil procedure

QUESTIONS PRESENTED

1. Whether the claims against the district attorney were barred by absolute prosecutorial immunity.
2. Whether a court-appointed criminal defense attorney acts under color of state law for purposes of 42 U.S.C. § 1983.
3. Whether the private complainant could be liable under § 1983 absent allegations that she acted under color of state law or jointly with state actors.
4. Whether the false-arrest and malicious-prosecution claims against the police defendants were barred as premature under *Heck v. Humphrey* while the related state criminal charges remained pending.
5. Whether the complaint should be dismissed during PLRA screening for immunity, failure to state a claim, or frivolousness.

HOLDINGS

1. A district attorney is absolutely immune from § 1983 relief for actions taken in initiating and pursuing a criminal prosecution and presenting the State's case when those actions are intimately associated with the judicial phase of the criminal process. Because Thomas challenged Beacham's conduct in bringing and pursuing the pending criminal charges, the claims were dismissed as seeking relief from an immune defendant.
2. A court-appointed defense attorney does not act under color of state law when performing traditional defense functions on behalf of a criminal defendant and therefore generally cannot be sued under § 1983 for those actions.
3. A private person is not liable under § 1983 absent allegations that she acted under color of state law or was a willful participant in joint action with the State or its agents. Because Thomas alleged no such facts, his claims against Hope Thomas failed to state a claim.
4. While related criminal charges remain pending, § 1983 claims challenging an arrest or prosecution are barred as premature when success would necessarily imply the invalidity of those charges or a resulting conviction. Thomas's claims against McConnell and Whitehead were therefore frivolous and dismissed with prejudice to reassertion if the *Heck* favorable-termination condition is later satisfied.

KEY QUOTATIONS

"Section 1983 does not create any substantive rights, but instead was designed to provide a remedy for violations of statutory and constitutional rights." (3/12)

“A complaint fails to state a claim upon which relief can be granted if does not contain “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (4/12)

“This includes immunity “for their conduct in initiating a prosecution and in presenting the State’s case insofar as that conduct is intimately associated with the judicial phase of the criminal process.”” (6/12)

“Neither public defenders nor appointed or retained private defense attorneys act under color of state law when performing a lawyer’s traditional functions in representing a criminal defendant because, in that capacity, he or she is acting on behalf of the defendant rather than on behalf of the State.” (7/12)

“Heck bars any cause of action under § 1983, regardless of the type of relief sought, that would necessarily imply that a conviction or sentence is invalid unless the conviction has already been invalidated through proper channels.” (10/12)

FACTUAL BACKGROUND

Thomas was a pretrial detainee awaiting trial in Brazos County on a charge of assault on a pregnant person. He alleged that Hope Thomas initiated a physical altercation, that he acted defensively, and that she later falsely reported to police that he had started the fight. He sued the prosecutor, his court-appointed defense attorney, Hope Thomas, a detective, and a police officer, challenging his arrest and the handling of his pending criminal case.

PROCEDURAL HISTORY

Thomas filed his complaint on December 1, 2025, alleging false arrest, malicious prosecution, prosecutorial misconduct, ineffective assistance of counsel, and related civil-rights violations. The court conducted screening under 28 U.S.C. §§ 1915A and 1915(e), dismissed the claims against the district attorney, appointed defense counsel, and Hope Thomas with prejudice, dismissed the claims against the police defendants with prejudice to reassertion if the Heck favorable-termination condition is satisfied, denied pending motions as moot, and directed that final judgment be entered separately. The dismissal counts as a strike under 28 U.S.C. § 1915(g).

DISPOSITION

dismissed

CASES CITED

- *Lafleur v. Texas Department of Health*, 126 F.3d 758, 759 (5th Cir. 1997)
- *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979)
- *West v. Atkins*, 487 U.S. 42, 48 (1988)
- *Gomez v. Galman*, 18 F.4th 769, 775 (5th Cir. 2021)
- *Nesmith v. Taylor*, 715 F.2d 194, 195 (5th Cir. 1983)
- *Frazier v. Board of Trustees of Northwest Mississippi Regional Medical Center*, 165 F.2d 1278, 1283 (5th Cir. 1985)
- *Geiger v. Jowers*, 404 F.3d 371, 373 (5th Cir. 2005)

- Denton v. Hernandez, 504 U.S. 25, 31-32 (1992)
- Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997)
- Neitzke v. Williams, 490 U.S. 319, 327 (1989)
- Rogers v. Boatright, 709 F.3d 403, 407 (5th Cir. 2013)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Harrington v. State Farm Fire & Casualty Co., 563 F.3d 141, 147 (5th Cir. 2009)
- Green v. McKaskle, 788 F.2d 1116, 1119 (5th Cir. 1986)
- Ceres v. Kerner, 404 U.S. 519, 520 (1972)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- EEOC v. Simbaki, Ltd., 767 F.3d 475, 484 (5th Cir. 2014)
- Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002)
- Toole v. Peak, 361 F. App'x 621, 621 (5th Cir. 2010)
- Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976)
- Wooten v. Roach, 964 F.3d 395, 407 (5th Cir. 2020)
- Burns v. Reed, 500 U.S. 478, 486 (1991)
- Polk County v. Dodson, 454 U.S. 312, 318, 324-25 (1981)
- Mills v. Criminal District Court No. 3, 837 F.2d 677, 679 (5th Cir. 1988)
- Amir-Sharif v. Dallas County Public Defender's Office, 233 F. App'x 364, 365 (5th Cir. 2007)
- Rundus v. City of Dallas, 634 F.3d 309, 312 (5th Cir. 2011)
- Priester v. Lowndes County, 354 F.3d 414, 421 (5th Cir. 2004)
- Bauer v. Texas, 341 F.3d 352, 357 (5th Cir. 2003)
- Cherry Knoll, L.L.C. v. Jones, 922 F.3d 309, 319 (5th Cir. 2019)
- Dennis v. Sparks, 449 U.S. 24, 27 (1980)
- Heck v. Humphrey, 512 U.S. 477, 487-89 (1994)
- Mackey v. Dickson, 47 F.3d 744, 746 (5th Cir. 1995)
- Agbonifo v. Boyden, No. H-17-1872, 2017 WL 3267790, at *2 (S.D. Tex. July 27, 2017)
- Hamilton v. Lyons, 74 F.3d 99, 102-03 (5th Cir. 1996)
- Clarke v. Stalder, 154 F.3d 186, 191 (5th Cir. 1998)
- Johnson v. McElveen, 101 F.3d 423, 424 (5th Cir. 1996)

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