

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PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status not stated.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)

OPINION

Southern District of Texas _ ENTERED February 10, 2026 -. UNITED STATES DISTRICT COURT Nathan Ochsner, Clerk SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION JERRY LEE THOMAS, § (Inmate # 146893), § § Plaintiff, § □ § vs. § CIVIL ACTION NO. H-25-5816. §. HOPE THOMAS, et al., §. § Defendants. § MEMORANDUM OPINION AND

ORDER The plaintiff, Jerry Lee Thomas (Inmate # 146893), is a pretrial detainee in custody at the Brazos County Detention Center.

Proceeding pro se and in forma pauperis, he filed a civil-rights complaint under 42 U.S.C. § 1983 alleging that Brazos County District Attorney Caleb Beacham, court-appointed counsel Stephen Gustitis, Thomas's child's mother Hope Thomas, City of Bryan Police Detective C. □ McConnell, and City of Bryan Police Officer Whitehead violated his civil rights in connection with his arrest and ongoing state-court criminal proceedings.

(Dkt. 1). Thomas's action is governed by the Prison Litigation Reform Act (PLRA), which requires the Court to screen complaints filed by prisoners seeking relief from the government as soon as feasible after docketing and dismiss any claims that are frivolous or malicious, that fail to state a claim upon which relief can be granted, or that seek money damages from a defendant who is immune from such relief.

28 U.S.C. § 1915A(a); see also 28 U.S.C. § 1915(e) (providing for the screening of suits filed by persons proceeding in forma pauperis). Having conducted the required screening of Thomas's complaint, the Court dismisses this action for the reasons explained below.

I. BACKGROUND Publicly available records show that Thomas is currently in jail awaiting trial on a charge of assault on a pregnant person. See Jail Records Search, <https://portal-txbrazos.tylertech.cloud/> (last visited Jan. 6, 2026).

On December 1, 2025, he filed a civil-rights complaint, naming as defendants District Attorney Beacham, Attorney Gustitis, Hope Thomas, Detective McConnell, and Officer Whitehead and alleging various violations of his civil rights. (Dkt. 1, p. 3).. Specifically, Thomas alleges that on November 16, 2024, Hope Thomas started an argument with him while they were at home with their children. (/d. at 4).

The argument escalated, and Hope Thomas scratched Thomas's face. (/d.). Thomas put his arms up to block her from scratching him and pushed her into a wall. (/d.). When she continued to try to scratch him, Thomas hit Hope Thomas in the face with his hand, and both of them fell to the ground. (/d.). Thomas then left the house to try to de-escalate the situation. (/d.).

After he left, Hope Thomas called the police. (/d.). 2/12 When the police arrived, Hope Thomas apparently told them that Thomas had started the fight. (/d.). Thomas alleges that she fabricated this story, which the police believed, to get him arrested. (/d. at 3). He alleges that Officer Whitehead ___ and Detective McConnell acted with reckless disregard for the truth by believing Hope Thomas's story and arresting him. (/d.).

Thomas alleges that District Attorney Beacham has engaged in prosecutorial misconduct by selectively prosecuting Thomas, by pene him bond on three separate occasions, and by offering

him only prison time to resolve the charge. (/d.). Thomas alleges that court-appointed counsel Gustitis has provided ineffective assistance by tampering with his phone, which had evidence that he was not the aggressor, and by telling the court that he did not need a bond reduction. (/d.).

As relief for these alleged violations, Thomas seeks to “get my truth out” because he is in jail on “false probable cause.” (Jd. at 4). II. LEGAL STANDARDS A. Actions Under 42 U.S.C. § 1983 Thomas brings his action under 42 U.S.C. § 1983. “Section 1983 does not create any substantive rights, but instead was designed to provide a remedy for violations of statutory and constitutional rights.” *Lafleur v. Texas Dep’t of Health*, 126 F.3d 758, 759 (5th Cir.

1997) (per curiam); see also *Baker v. McCollan*, 443 U.S. 137, 144 n3 (1979). To state a valid claim under § 1983, a plaintiff must 3/12 (1) allege a violation of rights secured by the Constitution or laws of the United States, and (2) demonstrate that the alleged deprivation was committed by a person acting under color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988); *Gomez v Galman*, 18 F.4th 769, 775 (Sth Cir.

2021) (per curiam). The first element recognizes that “state tort claims are not actionable under federal law; a plaintiff under [§] 1983 must show deprivation of a federal right.” *Nesmith v. Taylor*, 715 F.2d 194, 195 (Sth Cir. 1983) (per curiam).

The second element means that generally only state actors—not private parties—can be liable for violations of civil rights. See *Frazier v. Bd. of Tr. of Nw. Miss. Reg’l Med. Ctr.*, 165 F.2d 1278, 1283 (5th Cir. 1985). B. The Prison Litigation Reform Act The PLRA, which governs Thomas’s action, requires the Court to examine the legal and factual basis of a prisoner’s complaint and dismiss the case if it determines that the complaint “(i) is frivolous or malicious, (ii) fails to state a claim upon which relief may be granted, or (iii) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); see also 28 U.S.C. § 1915A(b); 42 U.S.C. § 1997e(c).

A complaint is frivolous “if it lacks an arguable basis in law or fact.” *Geiger v. Jowers*, 404 F.3d 371, 373 (Sth Cir. 2005) (per curiam) (citing *Denton v. Hernandez*, 504 U.S. 25, 31-32 (1992)).. “A complaint lacks an arguable basis in 4/12 law if it is based on an indisputably meritless legal theory, such as if the complaint alleges the violation of a legal interest which clearly does not exist.” *Siglar v. Hightower*, 112 F.3d 191, 193 (Sth Cir.

1997) (citing *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)). “A complaint lacks an arguable basis in fact if, after providing the plaintiff the opportunity to present additional facts when necessary, the facts alleged are clearly baseless.” *Rogers v. Boatright*. 709 F.3d 403, 407 (Sth Cir. 2013) (cleaned up). 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.” Jd. (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

In conducting its screening review, the Court must construe all allegations “liberally in favor of the plaintiff” and consider whether “with every doubt resolved on [the plaintiff’s] behalf, the complaint states any valid claim for relief.” *Harrington v. State Farm Fire & Cas. Co.*, 563 F.3d 141, 147 (Sth Cir. 2009) (cleaned up). But if the complaint does not state a claim for relief, it may be dismissed, even before service on the defendants.

See *Green v. McKaskle*, 788 F.2d 1116, 1119 (Sth Cir. 1986). C. Pro Se Pleadings. Thomas is proceeding pro se in this action. Courts construe pleadings filed by pro se litigants under a less stringent standard of review. See *Ceres v. Kerner*, 512 U.S. 519, 520 (1972) (per curiam).

Under this standard, “[a] document filed pro se is ‘to be liberally construed.’” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). But even under this liberal standard, pro se litigants must still “abide by the rules that govern the federal courts.” *EEO. C. v. Simbaki, Ltd.*, 767 F.3d 475, 484 (Sth Cir.

2014). They must “properly plead sufficient facts that, when liberally construed, state a plausible claim to relief, serve defendants, obey discovery orders, present summary judgment evidence, file a notice of appeal, and brief arguments on appeal.” *Jd.* (cleaned up). They must also still allege sufficient facts to state a plausible claim. See *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (Sth Cir.

2002); *Toole v. Peak*, 361 F. App’x 621, 621 (Sth Cir. 2010) (per curiam) (a self-represented litigant “still must argue something that is susceptible to liberal construction”). II. DISCUSSION
A. Claims Against District Attorney Beacham Thomas identifies Beacham as the District Attorney for Brazos County, and he alleges that Beacham has engaged in prosecutorial misconduct by selectively prosecuting him, by denying him bond three times, and by offering him only prison time to resolve his charges.

But district attorneys, who prosecute cases on behalf of the State, are entitled to absolute immunity for actions they take to prosecute a defendant in a criminal case. See *Imbler v. Pachtman*, 424 U.S. 409, 430-31 (1976). 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.” *Wooten v. Roach*, 964 F.3d 395, 407 (Sth Cir.

2020) (quoting *Burns v. Reed*, 500 U.S. 478, 486 (1981)). Thomas’s allegations concern Beacham’s alleged actions in bringing and pursuing the currently pending criminal charges against Thomas. Because the actions Thomas challenges are part of the judicial phase of the criminal proceedings against him, Beacham is immune from the relief Thomas is seeking. Thomas’s claims against District Attorney Beacham are dismissed under § 1915(e)(2)(B)(iii) as seeking relief against a defendant who is immune.

B. Claims Against Attorney Gustitis Thomas alleges that Attorney Gustitis has been court-appointed to represent him in the state-court criminal proceedings, and he contends that Gustitis is providing ineffective assistance of counsel in several respects. But court-appointed defense counsel may not be sued under § 1983 for actions taken in defending an individual charged with criminal acts.

To be liable under § 1983, the defendant must be acting under color of state law in taking the challenged actions. 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.

See, e.g., *Polk County v. Dodson*, 454 U.S. 312, 318, 324-25 (1981); *Mills v. Crim. Dist. Court No. 3*, 837 F.2d 677, 679 (5th Cir. 1988) (holding that "private attorneys, even court-appointed attorneys, are not official state actors, and generally are not subject to suit under section 1983"); *Amir-Sharif v. Dallas Cnty. Public Defender's Office*, 233 F. App'x 364, 365 (Sth Cir.

2007) (per curiam) (dismissing claims against a county's public defenders "because they are not state actors for § 1983 purposes"). In his capacity as court-appointed defense counsel for Thomas, Gustitis is not acting "under color of state law" while taking actions to represent him. Thomas's disagreements with Gustitis's trial strategy may give rise to a malpractice action, but they do not support a claim for a violation of constitutional rights under § 1983. Limited exceptions to this general rule exist when the plaintiff can show that the private actor was implementing an official government policy or when the private actor's actions are fairly attributable to the government.

See *Rundus v. City of Dallas, Tex.*, 634 F.3d 309, 312 (Sth Cir. 2011). A private party who conspires with state actors to deprive another of his constitutional rights may also be considered a state actor. See *Priester v. Lowndes County*, 354 F.3d 414, 421 (Sth Cir. 2004). Thomas's complaint does not allege facts showing that any of these exceptions apply to his case.

8/12 Thomas's claims against Attorney Gustitis are dismissed under § 1915(e)(2)(B)(ii) for failing to state a claim upon which relief can be granted. C. Claims Against Hope Thomas Thomas alleges that Hope Thomas fabricated a story that Thomas assaulted her to secure Thomas's arrest. But, as explained above, to state an actionable claim under § 1983, the plaintiff must show that the defendant, while acting under color of state law, deprived the plaintiff of a right secured by the United States Constitution, or a federal statute, or both.

See *Bauer v. Texas*, 341 F.3d 352, 357 (5th Cir. 2003). To act "under color of state law," the defendant must be either an officer of the state or "a willful participant in joint action with the State or its agents." *Cherry Knoll, L.L. Cy, Jones*, 922 F.3d 309, 319 (sth Cir. 2019) (quoting

Dennis vy. Sparks, 449 U.S. 24, 27 (1980)). A § 1983 action is not merely a federal substitute for a state-law claim.

Thomas does not allege any facts showing that Hope Thomas is a state official, that she was acting under color of state law when she reported the alleged assault, or that she conspired with state actors to deprive him of his rights under federal law. Thomas therefore does not state a cause of action under § 1983 against Hope Thomas. His claims against Hope Thomas are dismissed under § 1915(e)(2)(B) (Gi) for failing to state a claim upon which relief can be granted.

9/12 D. Claims Against Detective McConnell and Officer Whitehead Thomas alleges that Detective McConnell and Officer Whitehead showed a reckless disregard for the truth by arresting him, knowing that there was no probable cause under the true facts.

The Supreme Court's decision in Heck v. Humphrey, 512 U.S. 477 (1994), prohibits Thomas from proceeding with these claims at this time.. 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.

Jd. at 487— 88. Heck also applies to pending charges when the allegations would, if true, necessarily imply that those charges or potential convictions are invalid. See, e.g., Mackey v. Dickson, 47 F.3d 744, 746 (Sth Cir. 1995) (per curiam) (“[I]f he is convicted and evidence is presented by the prosecution at his criminal trial which is a direct or indirect product of one or more of his arrests, then his section 1983 damage claims challenging the validity of his arrests would appear to undermine the validity of his conviction and hence be barred by Heck.”); Agbonifo v. Boyden, No. H-17-1872, 20 17 WL 3267790, at *2 (S.D.

Tex. July.27, 2017). Thomas's claims of false arrest and malicious prosecution would, if true, necessarily implicate the validity of the pending criminal charge and any potential conviction. Because of this, his civil-rights claims against Detective McConnell □ 10/12 and Officer Whitehead are premature. Thomas may raise his claims in the pending state-court proceedings.

But until he receives a ruling that satisfies Heck's favorable-termination requirement, no federal action has yet accrued under § 1983. See Heck, 512 U.S. at 488-89. And because no cause of action has yet accrued, his claims against McConnell and Whitehead are frivolous within the meaning of 1915(e)(2)(B)(i) and § 1915A(b). See Hamilton v. Lyons, 74 F.3d 99, 102-03 (5th Cir 1996) (“A § 1983 claim which falls under the rule in Heck is legally frivolous unless the conviction or sentence at issue has been reversed, expunged, invalidated, or otherwise called into question.”).

Thomas's claims against Detective McConnell and Officer Whitehead are therefore dismissed with prejudice to be reasserted when the Heck conditions are satisfied. See Clarke v. Stalder, 154 F.3d 186, 191 (th Cir. 1998); Johnson v. McElveen, 101 F.3d 423, 424 (Sth Cir. 1996) (per curiam). IV.

CONCLUSION Based on the foregoing, the Court ORDERS as follows: 1. Thomas's civil-rights claims against District Attorney Caleb Beacham, Attorney Stephen Gustitis, and Hope Thomas, (Dkt.

1), are DISMISSED with prejudice. 2. Thomas's civil-rights claims against Bryan Police Detective C. McConnell and Officer Whitehead, (Dkt. 1), are DISMISSED with prejudice to □□ 11/12 reasserted when and if the Heck favorable-termination condition is satisfied. 3. Any pending motions are DENIED as moot. 4. Final judgment will be separately entered. 5. This dismissal will count as a "strike" for purposes of 28 U.S.C. § 1915(g).

The Clerk shall send a copy of this Memorandum Opinion and Order to the plaintiff. The Clerk shall also send a copy of this dismissal to the Three-Strikes List Manager at the following email: Three Strikes@txs.uscourts.gov. SIGNED at Houston, Texas on £ we > 1 O, 2026. SOR Oey Nabe UNITED STATES DISTRICT JUDGE 12/12