

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, STATESVILLE DIVISION

Sheldon Summers v. State of North Carolina

No. 5:26-cv-00103-MR (W.D.N.C. May 6, 2026) · No. 5:26-cv-00103-MR · Decided May 6, 2026

SUMMARY

The United States District Court for the Western District of North Carolina reviewed Sheldon Summers’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and his motion to proceed in forma pauperis. The court granted in forma pauperis status but denied and dismissed the petition without prejudice because Summers had not exhausted available North Carolina state-court remedies.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Statesville Division
JURISDICTION	United States District Court for the Western District of North Carolina, Statesville Division
DECIDED	May 6, 2026
DOCKET	5:26-cv-00103-MR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial review of a pro se pretrial detainee's petition for a writ of habeas corpus under 28 U.S.C. § 2241 following transfer from the Eastern District of North Carolina.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Proceedings, the court promptly examines a habeas petition to determine whether the petitioner is entitled to relief and may resolve the petition without an evidentiary hearing when the record and governing law are sufficient.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum decision; no precedential status stated.
PARTIES	Sheldon Summers v. State of North Carolina

TOPICS

- federal habeas corpus
- habeas corpus
- speedy trial
- criminal procedure
- post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Criminal procedure

Post-conviction relief

QUESTIONS PRESENTED

1. Whether a pretrial detainee may obtain federal habeas relief under 28 U.S.C. § 2241 without first fully exhausting available state remedies.
2. Whether Summers had exhausted North Carolina's established appellate review process before filing his § 2241 petition.
3. Whether the petition should be dismissed without prejudice for failure to exhaust state remedies.

HOLDINGS

1. A pretrial detainee is not in custody pursuant to a state-court judgment and therefore may not obtain relief under 28 U.S.C. § 2254; the exclusive federal habeas remedy for alleged unconstitutional pretrial confinement is § 2241(c)(3).
2. A federal habeas petitioner proceeding under § 2241 must exhaust available state remedies before filing, even though § 2241 does not expressly contain the exhaustion language found in § 2254.
3. Summers failed to exhaust his state remedies because he did not show that he had completed one full round of North Carolina's established appellate review process.

KEY QUOTATIONS

“A pretrial detainee’s exclusive federal remedy for alleged unconstitutional confinement is to file a petition for a writ of habeas corpus under 28 U.S.C. § 2241(c)(3), but only after fully exhausting the available state remedies.”

“To satisfy the exhaustion requirement, a habeas petitioner must present his claims to the state courts such that the courts have the fair “opportunity to apply controlling legal principles to the facts bearing upon [his] constitutional claim.””

“Because Petitioner failed to exhaust his state court remedies, this petition is not properly before the Court.”

FACTUAL BACKGROUND

Summers was a pretrial detainee at the Iredell County Detention Center following his August 3, 2022 arrest on murder, robbery, and assault charges arising from alleged offenses committed in 1992. He alleged that he had been detained since his arrest, denied a speedy trial, and was receiving no treatment for Stage 4 metastatic prostate cancer. He also challenged the delay in his indictment, proceedings allegedly conducted without his presence, and the failure to act on his self-filed writs of habeas corpus ad prosequendum. He sought dismissal of the state criminal charges.

PROCEDURAL HISTORY

Summers filed a § 2241 habeas petition in the Eastern District of North Carolina after being ordered to correct deficiencies in his original petition. The Eastern District transferred the matter to the Western District of North

Carolina, where venue was proper. On initial review, the court found that Summers had not exhausted available state remedies and denied and dismissed the petition without prejudice. The court granted his motion to proceed in forma pauperis for purposes of initial review.

DISPOSITION

dismissed

CASES CITED

- Raines v. United States, 423 F.2d 526, 529 (4th Cir. 1970)
- Dickerson v. Louisiana, 816 F.2d 220 (5th Cir. 1987)
- Thomas v. Crosby, 371 F.3d 782, 786 (11th Cir. 2004)
- Braden v. 30th Jud. Cir., 410 U.S. 484, 490-91 (1973)
- Moore v. DeYoung, 515 F.2d 437, 442-43 (3d Cir. 1975)
- Picard v. Connor, 404 U.S. 270, 275-77 (1971)
- O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)

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