

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PRECEDENTIAL VALUE	Unpublished federal district court memorandum decision; no precedential status stated.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)

OPINION

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 initial
review of Petitioner's Pro Se Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc.

4] and Petitioner's Motion for Leave to Proceed in Forma Pauperis [Doc. 5]. I. BACKGROUND
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]. Petitioner is a pretrial detainee currently held at the Iredell County Detention Center ("Jail") in Statesville, North Carolina.

[Doc. 4 at 1]. After he was ordered to correct deficiencies in his original petition, Petitioner filed the instant petition. [Docs. 3, 4]. Thereafter, 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 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 claims 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 also complains about the 30 year- delay in his indictment, the conduct of

proceedings in his criminal case without his presence, and his failed attempts to be brought to court on his self-filed writs of habeas corpus ad prosequendum.

[Id. at 6-7; see Doc. 4- 1 at 1-2]. Petitioner claims to have asserted an appeal to the Jail and to this Court. [Id. at 2-3]. Petitioner challenges his current detention and seeks dismissal of his state criminal charges.¹ [Id. at 7]. He claims violation of his rights under the Fifth, Sixth, Seventh, and Eighth Amendments to the U.S. Constitution, as well as gross negligence and “wanton conduct.” [Id. at 2].

¹ According to the publicly available docket in Petitioner’s state criminal proceedings, his cases, 22CR000743-480, 22CR000744-480, 22CR000745-480, 22CR000746-480, and 22CR000747-480, are set for a disposition hearing on May 18, 2026. [See portal-nc.tylertech.cloud/Portal/Home/Dashboard/29 (last visited 5/6/2026)]. II. IN FORMA PAUPERIS MOTION Petitioner’s affidavit shows that he has received no income during the past twelve months.

[Doc. 5 at 1]. Petitioner reports having no cash, no money in any bank account, no other assets, and that no one relies on him for support. [Id. at 2]. The Court is satisfied that Petitioner is without sufficient funds to pay the filing fee in this matter.

The Court, therefore, will grant Petitioner’s motion to proceed in forma pauperis for the limited purpose of the Court’s initial review. III. STANDARD OF REVIEW Rule 4 of the Rules Governing Section 2254 Proceedings provides that courts are to promptly examine habeas petitions to determine whether the petitioner is entitled to any relief on the claims set forth therein.

After examining the record in this matter, the Court finds that the habeas petition can be resolved without an evidentiary hearing based on the record and governing case law. See *Raines v. United States*, 423 F.2d 526, 529 (4th Cir. 1970). IV. DISCUSSION A federal habeas petitioner who is “in custody pursuant to the judgment of a State court,” may seek relief pursuant to Title 28, Section 2254(a).

A pretrial detainee, however, is not “in custody” pursuant to a state court judgment. Relief under § 2254, therefore is not available. See *Dickerson v. Louisiana*, 816 F.2d 220 (5th Cir. 1987). 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.

See 28 U.S.C. § 2241(c)(3); *Thomas v. Crosby*, 371 F.3d 782, 786 (11th Cir. 2004). Although § 2241 contains no express reference to exhaustion of state remedies, as does § 2254, exhaustion is required prior to filing a § 2241 petition. See e.g., *Braden v. 30th Jud. Cir.*, 410 U.S. 484, 490-91 (1973); *Moore v. DeYoung*, 515 F.2d 437, 442-43 (3d Cir. 1975).

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.” *Picard v. Connor*, 404 U.S. 270, 275-77 (1971); see *O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999) (in order to properly exhaust state remedies, “state prisoners must give the state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process”).

Here, Petitioner makes no proper claim of having engaged one complete round of North Carolina’s established appellate review process. As such, Petitioner failed to exhaust his state remedies before filing this action.

Because Petitioner failed to exhaust his state court remedies, this petition is not properly before the Court. The Court will, therefore, will dismiss Petitioner’s petition without prejudice. V. CONCLUSION For the reasons stated herein, Petitioner’s § 2241 petition is denied and dismissed without prejudice. ORDER IT IS THEREFORE ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under § 2241 [Doc.

4] is DENIED and DISMISSED without prejudice. IT IS FURTHER ORDERED that Petitioner’s Motion for Leave to Proceed in Forma Pauperis [Doc. 5] is GRANTED in accordance with the terms of this Order. The Clerk is directed to terminate this action. IT IS SO ORDERED. Signed: May 6, 2026 Martiff Reidinger ee Chief United States District Judge AS