

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Heather Smith, as Court Appointed Guardian of and on behalf of
S.S., a Minor v. Marchenne Hatchett; and Madison County School
District

Smith v. Hatchett · No. 3:23-CV-588-HTW-ASH · Decided March 30, 2026

SUMMARY

This order addresses Plaintiff Heather Smith’s motion for partial summary judgment and Defendant Marchenne Hatchett’s motion for default judgment and dismissal. The court granted partial summary judgment on Hatchett’s civil liability based on his criminal sexual-battery conviction and denied Hatchett’s motions concerning alleged discovery delays. The court reserved the issue of damages for trial.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Henry T. Wingate
JURISDICTION	United States District Court for the Southern District of Mississippi
DECIDED	March 30, 2026
DOCKET	3:23-CV-588-HTW-ASH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for partial summary judgment on liability. Defendant Hatchett moved for default judgment and involuntary dismissal based on delayed discovery responses. The district court granted plaintiff's motion as to Hatchett's liability and denied Hatchett's motions.
STANDARD OF REVIEW	Summary judgment is appropriate when no genuine dispute exists as to any material fact and the movant is entitled to judgment as a matter of law. Default judgment under Rule 55 applies when a party has failed to plead or otherwise defend. Dismissal with prejudice under Rule 41(b) requires a clear record of delay or contumacious conduct and consideration of whether lesser sanctions would suffice.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

PARTIES

Heather Smith, as Court Appointed Guardian of and on behalf of S.S.,
a Minor v. Marchenne Hatchett, Madison County School District

TOPICS

summary judgment

default judgment

motions to dismiss

discovery dispute

section 1983

PRACTICE AREAS

civil procedure

civil rights

torts

remedies

QUESTIONS PRESENTED

1. Whether Hatchett's final criminal conviction for sexual battery conclusively established the underlying facts and entitled Smith to partial summary judgment on Hatchett's civil liability.
2. Whether Smith's delayed responses to interrogatories and requests for production justified default judgment under Federal Rule of Civil Procedure 55.
3. Whether the discovery delay warranted involuntary dismissal with prejudice under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Under Mississippi law, Hatchett's final criminal conviction for sexual battery conclusively established the facts underlying that conviction in the subsequent civil action. Because the conviction resolved the underlying sexual-battery facts and no genuine dispute of material fact remained as to Hatchett's liability, Smith was entitled to partial summary judgment on liability, with damages reserved for trial.
2. Hatchett was not entitled to default judgment under Rule 55 because Smith had not failed to plead or otherwise defend; she was actively prosecuting the action and had moved for partial summary judgment.
3. The 120-day delay in responding to discovery did not justify dismissal with prejudice because the record did not show contumacious conduct or purposeful delay, the plaintiff provided a credible explanation, and the discovery deficiencies were cured.

KEY QUOTATIONS

"a criminal conviction for a sexual offense, like rape or sexual battery, "precludes the defendant from relitigating those same issues in a later civil action for damages."" (IV.A)

"dismissal with prejudice is a "draconian" remedy and a "remedy of last resort."" (IV.B)

"A trial on the issue of damages shall be set by further order of this court." (Conclusion)

FACTUAL BACKGROUND

On February 23, 2023, Marchenne Hatchett, a physical education teacher and coach at Olde Towne Middle School, escorted fourteen-year-old S.S. to a teachers' lounge, locked the door, and compelled her to perform fellatio. A Mississippi jury convicted Hatchett of sexual battery, and the Mississippi Court of Appeals affirmed

the conviction. The federal civil action seeks damages arising from the incident, including tort and constitutional claims.

PROCEDURAL HISTORY

Smith filed the action in the Circuit Court of Madison County, Mississippi, and Madison County School District removed it to federal court based on the federal constitutional and 42 U.S.C. § 1983 claims. Hatchett later joined in the removal. The court dismissed the School District with prejudice by agreed order. Smith then moved for partial summary judgment, while Hatchett moved for default judgment and dismissal based on delayed responses to interrogatories and requests for production.

DISPOSITION

other

CASES CITED

- Hatchett v. State, 380 So. 3d 985 (Miss. Ct. App. 2025)
- International Shortstop, Inc. v. Rally's, Inc., 939 F.2d 1257, 1263 (5th Cir. 1991)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Sossamon v. Lone Star State of Tex., 560 F.3d 316, 326 (5th Cir. 2009)
- Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc)
- Sun Bank of Ocala v. Pelican Homestead & Sav. Ass'n, 874 F.2d 274, 276 (5th Cir. 1989)
- In re Taxotere (Docetaxel) Prods. Liab. Litig., 966 F.3d 351, 357 (5th Cir. 2020)
- McNeal v. Papasan, 842 F.2d 787, 790, 792 (5th Cir. 1988)
- Berry v. CIGNA/RSI-CIGNA, 975 F.2d 1188, 1191 (5th Cir. 1992)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002)
- Jordan v. McKenna, 573 So. 2d 1371, 1377 (Miss. 1990)
- FDIC v. Conner, 20 F.3d 1376, 1380 (5th Cir. 1994)
- Specialized Pro. Servs., Inc. v. City of Madison, 2024 WL 3251268, at *3 (5th Cir. July 1, 2024)