

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA**

Christian Thomas Nealson v. Lt. Day, et al.

Nealson · No. 7:25-cv-00719 · Decided December 18, 2025

OPINION

CLERK'S OFFICE U.S. DIST. COL AT ROANOKE, VA IN THE UNITED STATES DISTRICT COURT FILED FOR THE WESTERN DISTRICT OF VIRGINIA December 18, 2025 ROANOKE DIVISION LAURA A. AUSTIN, CLERK s/A. Beeson CHRISTIAN THOMAS NEALSON, _) DEPUTY CLERK Plaintiff,) Civil Action No. 7:25-cv-00719)) By: Michael F. Urbanski LT. DAY, et al.,) Senior United States District Judge Defendants.) ORDER Christian Thomas Nealson, a Virginia inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983 against correctional officers at Green Rock Correctional Center.

The case is presently before the court on Nealson's "motion for three judge panel for release order." ECF No. 9. For the following reasons, the motion is DENIED. The requirements for a three-judge panel are set forth in 28 U.S.C. § 2284.

The statute provides that "[a] district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality or the apportionment of congressional districts or the apportionment of any statewide legislative body." 28 U.S.C. § 2284(a).

In the pending motion, Nealson does not challenge the constitutionality or apportionment of a congressional district or a statewide legislative body. Nor does he identify any other statute that would authorize the appointment of a three-judge panel.

Accordingly, his motion requesting that the court convene "three judges to hear a motion for a release order" is DENIED. The motion is also DENIED to the extent it requests an order requiring that Nealson be released from incarceration. It is well settled that "[h]abeas corpus, and not § 1983, is the exclusive federal remedy for state prisoners seeking actual release from confinement." *Griffin vy.*

Balt. Police Dep't, 804 F.3d 692, 694-95 (4th Cir. 2015) (citing *Preiser v. Rodriguez*, 411 USS. 475, 487-90 (1973)); see also *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) ("Habeas is the exclusive remedy... for the prisoner who seeks 'immediate or speedier release' from confinement.") (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)).

Accordingly, the relief sought by Nealson—an order requiring his release from prison—s not available in this § 1983 action. For these reasons, Nealson's "motion for three judge panel for

release order,' ECF No. 9, is DENIED.

The Clerk is directed to send a copy of this order to Nealson. It is so ORDERED. Entered: December 18, 2025 Michael F. Urbanski U.S. District Judge 2025.12.18 17:34:22 -05'00' Michael PF. Urbanski Senior United States District Judge

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