

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA

Stephen Dewayne Gray v. Rolanda Calloway, et al.

Gray v. Calloway · No. 2:23-cv-00111-BL · Decided March 16, 2026

SUMMARY

The court grants defendants’ motion for summary judgment and dismisses with prejudice a pro se prisoner’s 42 U.S.C. § 1983 action concerning alleged interference with legal mail, denial of access to the courts, and retaliation. Claims for declaratory and injunctive relief are dismissed as moot following the plaintiff’s transfer, while claims for monetary damages are barred by sovereign or qualified immunity. The court also concludes that the plaintiff failed to show an actual injury or sufficient adverse action and causation.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama
WRITING FOR THE COURT	Bill Lewis
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	March 16, 2026
DOCKET	2:23-cv-00111-BL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action under 42 U.S.C. § 1983 alleging denial of access to the courts, First Amendment retaliation, and interference with legal mail. Defendants moved for summary judgment. The court granted the motion and dismissed the action with prejudice.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court must view the evidence and draw justifiable inferences in favor of the nonmovant but may not weigh evidence or make credibility determinations. Qualified-immunity determinations require the court to determine whether the official acted within discretionary authority and, if so, whether the plaintiff showed a constitutional violation and a clearly established right.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Stephen Dewayne Gray v. Rolanda Calloway, Tracy Sykes, Sara Hopkins

TOPICS

section 1983 prisoners rights summary judgment qualified immunity first amendment

PRACTICE AREAS

civil rights constitutional law prisoner litigation federal civil procedure remedies

QUESTIONS PRESENTED

1. Whether Gray's claims for declaratory and injunctive relief were moot after his transfer from the facility where the alleged conduct occurred.
2. Whether Gray could recover nominal or punitive damages against the defendants in their official capacities despite Eleventh Amendment sovereign immunity.
3. Whether the defendants were entitled to qualified immunity on Gray's access-to-the-courts claim.
4. Whether the defendants were entitled to qualified immunity on Gray's First Amendment retaliation claim based on alleged interference with his mail.
5. Whether the defendants were entitled to qualified immunity on Gray's First Amendment mail-interference claim.

HOLDINGS

1. A prisoner's claims for declaratory and injunctive relief concerning conditions at a particular correctional facility become moot when the prisoner is transferred from that facility.
2. The defendants were entitled to Eleventh Amendment sovereign immunity from Gray's claims for nominal or punitive damages in their official capacities.
3. Gray failed to establish an actual injury caused by the defendants' conduct and therefore failed to show a constitutional access-to-the-courts violation or overcome qualified immunity.
4. Gray failed to establish an actionable adverse action or a causal relationship between protected speech and the alleged mail interference; the defendants were therefore entitled to qualified immunity and summary judgment on the retaliation claim.
5. A single, isolated instance of delayed legal mail did not establish that prison officials regularly and unjustifiably interfered with Gray's mail or sufficiently chilled his ability to speak, protest, or complain.

KEY QUOTATIONS

"an inmate's claim for injunctive and declaratory relief in a section 1983 action fails to present a case or controversy once the inmate has been transferred." (Discussion § III.A)

"Qualified immunity offers complete protection from civil damages for government officials sued in their individual capacities if their actions did not violate 'clearly established statutory or constitutional rights of

which a reasonable person would have known.”” (Discussion § III.C)

“The evidence demonstrates that the Plaintiff was in fact able to pursue his claims; that the Northern District considered but overruled his timely objections; and that the Northern District ultimately denied the Plaintiff’s petition because it was found to be time-barred.” (Discussion § III.C.i)

“This single instance fails to demonstrate that any Defendant “regularly and unjustifiably interfered” with his mail such that it “sufficiently chills, inhibits, or interferes with” the Plaintiff’s “ability to speak, protest, and complain openly.”” (Discussion § III.C.iii)

FACTUAL BACKGROUND

Gray, an Alabama inmate, filed a § 2254 habeas petition and alleged that prison employees delayed or interfered with his legal mail. On one occasion, an employee opened legal mail in Gray’s presence, and Gray later received an answer in his habeas case that had been dated weeks earlier. Gray also alleged that objections he placed in the institutional mailbox were delayed, but those objections were ultimately docketed, accepted as timely, and considered. The habeas petition was ultimately denied as time-barred, not because of the alleged mail interference. Gray was later transferred from Elmore Correctional Facility to other facilities.

PROCEDURAL HISTORY

Gray filed an amended § 1983 complaint while incarcerated at Elmore Correctional Facility. He sought declaratory, injunctive, and monetary relief based on alleged interference with his legal mail and retaliation. After the defendants moved for summary judgment and Gray submitted evidentiary materials construed as a response, the court held that prospective relief was moot, official-capacity damages were barred by sovereign immunity, and the individual-capacity claims failed under qualified immunity and Rule 56. The action was dismissed with prejudice, and pending motions were denied as moot.

DISPOSITION

dismissed

CASES CITED

- *Dresdner Bank AG v. M/V Olympia Voyager*, 463 F.3d 1210, 1215 (11th Cir. 2006)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–50 (1986)
- *Redwing Carriers, Inc. v. Saraland Apartments*, 94 F.3d 1489, 1496 (11th Cir. 1996)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–24 (1986)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986)
- *Tipton v. Bergrohr GMBH-Siegen*, 965 F.2d 994, 998–99 (11th Cir. 1992)
- *Ellis v. England*, 432 F.3d 1321, 1326 (11th Cir. 2005)
- *Walker v. Darby*, 911 F.2d 1573, 1577 (11th Cir. 1990)
- *Cox v. Administrator, U.S. Steel & Carnegie*, 17 F.3d 1386, 1400 (11th Cir.), opinion modified on reh’g, 30 F.3d 1347 (11th Cir. 1994)

- Roy v. Ivy, 53 F.4th 1338, 1347 (11th Cir. 2022)
- Carr v. Tatangelo, 338 F.3d 1259, 1273 n.26 (11th Cir. 2003), as amended (Sept. 29, 2003)
- Spears v. Thigpen, 846 F.2d 1327, 1328 (11th Cir. 1988)
- Wahl v. McIver, 773 F.2d 1169, 1173 (11th Cir. 1985)
- Owens v. Centurion Medical, 778 F. App'x 754, 759 (11th Cir. 2019)
- Smith v. Allen, 502 F.3d 1255, 1267 (11th Cir. 2007)
- Hoever v. Marks, 993 F.3d 1353 (11th Cir. 2021)
- Sossamon v. Texas, 563 U.S. 277 (2011)
- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 100 (1984)
- Seminole Tribe of Florida v. Florida, 517 U.S. 44, 59 (1996)
- Holmes v. Hale, 701 F. App'x 751, 753 (11th Cir. 2017)
- Carr v. City of Florence, Alabama, 916 F.2d 1521, 1525 & n.3 (11th Cir. 1990)
- Selensky v. Alabama, 619 F. App'x 846, 849 (11th Cir. 2015)
- Harbert International, Inc. v. James, 157 F.3d 1271, 1277–78 (11th Cir. 1998)
- Edwards v. Wallace Community College, 49 F.3d 1517, 1524 (11th Cir. 1995)
- Will v. Michigan Department of State Police, 491 U.S. 58, 71 (1989)
- Hope v. Pelzer, 536 U.S. 730, 739 (2002)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Pearson v. Callahan, 555 U.S. 223, 231–32 (2009)
- Brooks v. Miller, 78 F.4th 1267, 1280 (11th Cir. 2023)
- Hughes v. Locure, 166 F.4th 121, 127 (11th Cir. 2026)
- Wilson v. Secretary, Department of Corrections, 54 F.4th 652, 660 (11th Cir. 2022)
- Reichle v. Howards, 566 U.S. 658, 664 (2012)
- Rehberg v. Paulk, 611 F.3d 828, 839 (11th Cir. 2010), aff'd, 566 U.S. 356 (2012)
- Juiffre v. Broward Sheriff's Office, 717 F. App'x 886, 888 (11th Cir. 2017)
- Wilson v. Blankenship, 163 F.3d 1284, 1290 (11th Cir. 1998)
- Hall v. Secretary for Department of Corrections, 304 F. App'x 848, 850 (11th Cir. 2008)
- Al-Amin v. Smith, 511 F.3d 1317, 1332–34 (11th Cir. 2008)
- Cranford v. Nevada Department of Corrections, 398 F. App'x 540, 546 (11th Cir. 2010)
- Chappell v. Rich, 340 F.3d 1279, 1282 (11th Cir. 2003)
- Barbour v. Haley, 471 F.3d 1222, 1224 n.2 (11th Cir. 2006)
- Farrow v. West, 320 F.3d 1235, 1248 (11th Cir. 2003)
- Thomas v. Evans, 880 F.2d 1235, 1242 (11th Cir. 1989)
- Bennett v. Chitwood, 519 F. App'x 569, 575 (11th Cir. 2013)
- Bennett v. Hendrix, 423 F.3d 1247, 1253 (11th Cir. 2005)
- Pearson v. Callahan, 555 U.S. 223 (2009)

- *Wilkinson v. GEO Group, Inc.*, 617 F. App'x 915, 919 (11th Cir. 2015)
- *Bell v. Johnson*, 308 F.3d 594, 606 (6th Cir. 2002)
- *Jordan v. Wetzel*, No. CV 16-307, 2019 WL 1382512, at *5 (W.D. Pa. Mar. 27, 2019)
- *Green v. Niles*, No. 11 Civ. 1349 (PAE), 2012 WL 987473, at *5 (S.D.N.Y. Mar. 23, 2012)
- *Tafari v. McCarthy*, 714 F. Supp. 2d 317, 347 (N.D.N.Y. 2010)
- *Toolasprashad v. Williams*, No. 09-5335 (RBK), 2009 WL 5103185, at *3 (D.N.J. Dec. 17, 2009)
- *Islam v. Goord*, No. 05-cv-7502, 2006 WL 2819651, at *7 (S.D.N.Y. Sept. 29, 2006)
- *Money v. Gibbs*, No. CV423-243, 2024 WL 5168090, at *5 (S.D. Ga. Dec. 19, 2024)
- *Burton v. Hair*, No. 3:22-cv-6325-MCR-HTC, 2023 WL 8723686, at *7 (N.D. Fla. Sept. 28, 2023)
- *Daker v. Head*, No. 6:14-cv-47, 2019 WL 11005452, at *19 (S.D. Ga. Dec. 20, 2019)
- *Davis v. United States*, 272 F. App'x 863, 868 (11th Cir. 2008)
- *Owens v. Secretary, Florida Department of Corrections*, 812 F. App'x 861, 870 (11th Cir. 2020)
- *Leigh v. Warner Bros.*, 212 F.3d 1210, 1217 (11th Cir. 2000)
- *Parker v. Pugh*, No. 2:22-cv-722-CLM-HNJ, 2024 WL 1600333, at *14 (N.D. Ala. Jan. 31, 2024)
- *Dees v. Lamar*, No. 2:20-cv-1326-LSC-GMB, 2021 WL 1953137, at *10 (N.D. Ala. Mar. 4, 2021)
- *Davis v. Goord*, 320 F.3d 346, 351 (2d Cir. 2003)
- *Rowe v. Shake*, 196 F.3d 778, 782 (7th Cir. 1999)
- *McGathay v. Osinga*, No. 2:17-cv-56-FTM-29MRM, 2017 WL 1079988, at *5 (M.D. Fla. Mar. 22, 2017)
- *Reid v. Miree*, No. 2:15-cv-1342-RDP-TMP, 2015 WL 9581390, at *3 (N.D. Ala. Nov. 18, 2015)
- *O'Connor v. Carnahan*, No. 3:09-cv-224, 2014 WL 293457, at *6 (N.D. Fla. Jan. 27, 2014)
- *Huey v. Philbin*, No. 7:12-cv-97 (HL), 2013 WL 3816684, at *6 (M.D. Ga. July 22, 2013)
- *Pro v. Lieutenant Bandy*, No. 2:08-cv-175-RWS, 2008 WL 4445080, at *3 (N.D. Ga. Sept. 25, 2008)
- *McKinnon v. James*, No. 3:03CV2274/SRU, 2005 WL 1074466, at *3 (D. Conn. May 5, 2005)
- *Auto-Owners Insurance Co. v. Morris*, 191 F. Supp. 3d 1302, 1304 (N.D. Ala. 2016)
- *United States v. Jones*, 29 F.3d 1549, 1553 (11th Cir. 1994)
- *Coastal Wellness Centers, Inc. v. Progressive American Insurance Co.*, 309 F. Supp. 3d 1216, 1220 n.4 (S.D. Fla. 2018)
- *R.S.B. Ventures, Inc. v. FDIC*, 514 F. App'x 853, 856 n.2 (11th Cir. 2013)
- *Lamonte v. City of Hampton, Georgia*, 576 F. Supp. 3d 1314, 1327 (N.D. Ga. 2021)