

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Chad William Reed v. Mark D. Uptegrove, et al.

Reed · No. 25-CV-119-RAW-GLJ · Decided December 12, 2025

SUMMARY

The United States District Court for the Eastern District of Oklahoma grants motions to dismiss claims brought under 42 U.S.C. § 1983 by pro se plaintiff Chad William Reed against state judicial and prosecutorial defendants. The court concludes that the claims against Judge Emily Maxwell fail to allege personal participation, claims against Special Judge Mark Uptegrove are barred by the Heck and Rooker-Feldman doctrines and judicial immunity, and several claims against District Attorney Mark Matloff are barred by Heck, untimeliness, or failure to state a claim. All claims are dismissed without prejudice, with a separate judgment to be entered.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	December 12, 2025
DOCKET	25-CV-119-RAW-GLJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se and in forma pauperis brought a 42 U.S.C. § 1983 action challenging state-court post-conviction proceedings. The defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and the court granted both motions.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint alleges enough facts to state a facially plausible claim for relief. Well-pleaded factual allegations are accepted as true and construed in the plaintiff's favor, but legal conclusions and conclusory statements are disregarded. Pro se pleadings are liberally construed, but a pro se plaintiff must still allege sufficient facts supporting a recognized legal claim.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Chad William Reed v. Mark D. Uptegrove, Emily Maxwell, Mark Matloff

TOPICS

section 1983 motions to dismiss post-conviction relief federal habeas corpus civil rights

PRACTICE AREAS

civil rights constitutional law post-conviction relief federal civil procedure remedies

QUESTIONS PRESENTED

1. Whether Reed stated a § 1983 claim against Judge Emily Maxwell based on speculation that she could influence other judges to protect her husband.
2. Whether Reed's claims against Special Judge Mark Uptegrove were barred by *Heck v. Humphrey* because success would imply the invalidity of his conviction or sentence.
3. Whether, to the extent Reed challenged only the denial of his post-conviction application, the Rooker-Feldman doctrine deprived the federal district court of jurisdiction.
4. Whether Special Judge Uptegrove was entitled to absolute judicial immunity from Reed's damages claims.
5. Whether Reed's Napue and Brady claims against District Attorney Mark Matloff were barred by *Heck*.
6. Whether Reed's retaliation claim against Matloff was barred by Oklahoma's two-year statute of limitations.
7. Whether Reed's Eighth Amendment claim against Matloff failed because Reed was a pretrial detainee when the relevant events occurred.

HOLDINGS

1. Reed failed to state a claim against Judge Maxwell because he alleged no specific action by her and relied only on speculation that she could influence another judge to protect her husband.
2. Claims against Judge Uptegrove that, if successful, would necessarily imply the invalidity of Reed's conviction or sentence were barred by *Heck v. Humphrey* because Reed had not shown that his conviction or sentence had been invalidated.
3. To the extent Reed challenged only Judge Uptegrove's application of procedural bars and denial of the post-conviction application, the federal district court lacked jurisdiction under the Rooker-Feldman doctrine.
4. Special Judge Uptegrove was absolutely immune from Reed's claims for civil damages because ruling on Reed's post-conviction application was a judicial act performed in the exercise of judicial discretion.
5. Reed's Napue and Brady claims against Matloff were barred by *Heck* because success on those claims would imply the invalidity of Reed's conviction or sentence.
6. Reed's First Amendment retaliation claim was barred by Oklahoma's two-year statute of limitations because the alleged retaliatory exchange occurred in 2006 and Reed knew of the alleged injury no later than his 2008 conviction.

7. Reed's Eighth Amendment cruel-and-unusual-punishment claim failed because he was a pretrial detainee during the relevant events and the Eighth Amendment's protections do not apply to pretrial detainees.

KEY QUOTATIONS

“To withstand a Rule 12(b)(6) motion, the complaint must allege “enough facts to state a claim to relief that is plausible on its face.”” (at 3)

“In Heck, the Supreme Court stated that, if judgment in favor of the prisoner plaintiff in a Section 1983 damages suit “would necessarily imply the invalidity of his conviction or sentence[, then] the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”” (at 5)

“Under the Rooker-Feldman doctrine, federal district courts have no jurisdiction to consider suits “that amount to appeals of state-court judgments.”” (at 7)

“Absolute immunity bars suits for money damages for acts made in the exercise of prosecutorial or judicial discretion.” (at 8)

FACTUAL BACKGROUND

Reed was convicted of first-degree murder in McCurtain County, Oklahoma, after a 2008 jury trial, and his conviction and sentence were affirmed on direct appeal. His first post-conviction application was denied in 2013, and his second application, filed in 2023, was denied by the state district court and affirmed by the Oklahoma Court of Criminal Appeals in 2024. Reed brought this § 1983 action alleging that state judges improperly handled his post-conviction application and that District Attorney Mark Matloff was responsible for alleged Napue, Brady, retaliation, and cruel-and-unusual-punishment violations.

PROCEDURAL HISTORY

Reed was convicted of first-degree murder in Oklahoma state court, and the Oklahoma Court of Criminal Appeals affirmed his conviction and sentence. His first application for post-conviction relief was denied and affirmed in 2013. His second application, filed in 2023, was denied by the state district court and affirmed by the Oklahoma Court of Criminal Appeals in 2024. Reed then filed this § 1983 action challenging that denial and asserting constitutional claims against the state judges and district attorney. The federal court dismissed all claims without prejudice and directed entry of a separate judgment.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556, 558, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Jojola v. Chaves, 55 F.3d 488, 494 (10th Cir. 1995)

- Hall, 935 F.2d at 1110
- Whitney v. New Mexico, 113 F.3d 1170, 1175 (10th Cir. 1997)
- Straub v. BNSF Ry. Co., Straub v. BNSF Ry. Co., 909 F.3d 1280, 1287 (10th Cir. 2018)
- Trujillo v. Williams, 465 F.3d 1210, 1227 (10th Cir. 2006)
- Pahls v. Thomas, 718 F.3d 1210, 1226 (10th Cir. 2013)
- Tonkovich v. Kan. Bd. of Regents, 159 F.3d 504, 532 (10th Cir. 1998)
- Foreman v. Elam, 2019 WL 1413755, at *5 (E.D. Okla. Mar. 28, 2019)
- Alexander v. Lucas, 259 F. App'x 145, 147-148 (10th Cir. 2007)
- Heck v. Humphrey, 512 U.S. 477, 487, 490 (1994)
- Edwards v. Balisok, 520 U.S. 641, 648 (1997)
- Lawson v. Engleman, 67 F. App'x 524, 526 n.2 (10th Cir. 2003)
- Cohen v. Longshore, 621 F.3d 1311, 1315, 1317 (10th Cir. 2010)
- Marshall v. Lombardi, 2013 WL 5223507, at *3 (N.D. Okla. Sept. 16, 2013)
- Bolden v. City of Topeka, 441 F.3d 1129, 1139 (10th Cir. 2006)
- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005)
- Andrews v. Heaton, 483 F.3d 1070, 1076 (10th Cir. 2007)
- Guttman v. Khalsa, 446 F.3d 1027, 1033 (10th Cir. 2006)
- Mireles v. Waco, 502 U.S. 9, 13 (1991)
- Hunt v. Bennett, 17 F.3d 1263, 1266 (10th Cir. 1994)
- Napue v. People of State of Illinois, 360 U.S. 264, 269, 271-272 (1959)
- Giglio v. United States, 405 U.S. 150, 154 (1972)
- Baldwin v. O'Connor, 466 F. App'x 717, 717-718 (10th Cir. 2012)
- Ramos v. Shepherd, 415 F. App'x 48, 48-49 (10th Cir. 2011)
- Skinner v. Switzer, 562 U.S. 521, 536 (2011)
- Beck v. Muskogee Police Department, 195 F.3d 553, 560 (10th Cir. 1999)
- United States v. Harrell, 642 F.3d 907, 918 (10th Cir. 2011)
- Wallace v. Kato, 549 U.S. 384, 387-388 (2007)
- Abbitt v. Franklin, 731 F.2d 661, 663 (10th Cir. 1984)
- Titsworth v. Oklahoma Department of Corrections, 561 F. App'x 746, 747 (10th Cir. 2014)
- Stevenson v. Grace, 356 F. App'x 97, 98 (10th Cir. 2009)
- Alexander v. Oklahoma, 382 F.3d 1206, 1212 n.1, 1215, 1217 (10th Cir. 2004)
- Bay Area Laundry and Dry Cleaning Pension Trust Fund v. Ferbar Corp. of Cal., 522 U.S. 192, 201 (1997)
- Industrial Constructors Corp. v. U.S. Bureau of Reclamation, 15 F.3d 963, 969 (10th Cir. 1994)
- Colbruno v. Kessler, 928 F.3d 1155, 1162 (10th Cir. 2019)
- Davis v. Morgan, 2021 WL 6298321, at *1 n.2 (N.D. Okla. Sept. 27, 2021)
- Stack v. McCotter, 79 F. App'x 383, 391 (10th Cir. 2003)
- St. Louis Baptist Temple, Inc. v. Federal Deposit Insurance Corp., 605 F.2d 1169, 1172 (10th Cir. 1979)

OPINION

Reed

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

CHAD WILLIAM REED,

Plaintiff, v. Case No. 25-CV-119-RAW-GLJ MARK D. UPTEGROVE, et al., Defendants.

OPINION AND ORDER

Plaintiff Chad William Reed (“Reed”), appearing pro se and proceeding in forma pauperis, brings this federal civil rights action pursuant to 42 U.S.C. § 1983. Dkt. 1. Before the court is the Motion to Dismiss submitted by Defendants McCurtain County District Judge Emily Maxwell and Special Judge Mark Uptegrove (the “Judicial Defendants”) (Dkt. 18) and the Motion to Dismiss submitted by Defendant McCurtain County District Attorney Mark Matloff (“Defendant Matloff”) (Dkt. 20). Along with the motions to dismiss (Dkts. 18, 20), the court also considered Reed’s Objection to Judicial Defendant’s Motion to Dismiss (Dkt. 32), the Judicial Defendants’ Reply in Support of Their Motion to Dismiss (Dkt. 35), Reed’s Objection to Motion to Dismiss of Defendant Matloff (Dkt. 24), Matloff’s Reply in Support of his Motion to Dismiss (Dkt. 28), and Reed’s Sur-Reply (Dkt. 34). For the reasons discussed herein, the Judicial Defendants’ Motion to Dismiss (Dkt. 18) and Defendant Matloff’s Motion to Dismiss (Dkt. 20) are granted.

BACKGROUND

Reed’s claims arise from his unsuccessful applications for post-conviction relief. Reed as charged in 2006 with first degree murder in the District Court of McCurtain County, Case No. CF- 2006-581. See Dkt. 18-1.1 After his conviction, Reed appealed his conviction via direct appeal to the Oklahoma Court of Criminal Appeals (the “OCCA”), Case No. F-2008-449. See Dkt. 18-2. The OCCA affirmed Reed’s judgment and sentence. Id. at 5.2 Reed filed his first application for post-conviction relief in 2010. Dkt. 18-1 at 14. The application for post-conviction relief was denied in 2013. Id. at 16. The OCCA affirmed the denial of his application for post-conviction relief the same year. Dkt. 18-3 at 2. Subsequently, Reed filed a second application for post-conviction relief on January 18, 2023, and it was denied by the state district court on March 4, 2024. Dkt. 18-1 at 17-18. The OCCA affirmed the denial on July 15, 2024. Dkt. 18-4. Reed, asserting a myriad of constitutional violations, challenges the denial of his second application for post-conviction relief in the instant suit. Relevant to this Order, Reed asserts claims against Special District Judge Mark Uptegrove, District Judge Emily Maxwell and District Attorney Mark Matloff. Each defendant has moved to dismiss Reed’s claims. Dkts. 18, 20.

DISCUSSION

I. Standard of review Dismissal of claims under Rule 12(b)(6) is appropriate if the facts alleged in the complaint fail to state a claim on which relief may be granted. To withstand a Rule 12(b)(6) motion, the complaint must allege “enough facts to state a claim to relief that is plausible on its

face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible if the facts alleged “raise a 1 The state court docket sheets for this case, and Reed’s appellate cases, are available to the public through Oklahoma State Courts Network (oscn.net). “Federal courts may take judicial notice of state court docket sheets, and proceedings in other courts that have direct relation to matters in issue.” *Davis v. Morgan*, Case No. 21-CV-411-GKF-JFJ, 2021 WL 6298321, at *1, n.2 (N.D. Okla. Sep. 27, 2021) (unpublished) (citing *Stack v. McCotter*, 79 F. App’x. 383, 391 (10th Cir. 2003), and *St. Louis Baptist Temple, Inc. v. Fed. Deposit Ins. Corp.*, 605 F.2d 1169, 1172 (10th Cir. 1979)). 2 The court’s citations refer to the CM/ECF header pagination. reasonable expectation that discovery will reveal evidence” of the conduct necessary to establish plaintiff’s claim. *Id.* at 556; see also *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”). The complaint need not contain “detailed factual allegations,” but it must contain “more than labels and conclusions” or “formulaic recitation[s] of the elements of a cause of action.” *Bell Atl. Corp.*, 550 U.S. at 555. When considering the sufficiency of the complaint, a court must accept as true all the well-pleaded factual allegations and construe them in the plaintiff’s favor. *Id.* But the court may disregard legal conclusions or conclusory statements devoid of factual support. *Id.*; *Iqbal*, 556 U.S. at 678. When analyzing a motion to dismiss, the court is limited to assessing the legal sufficiency of the allegations contained within the four corners of the complaint. *Jojola v. Chaves*, 55 F.3d 488, 494 (10th Cir. 1995). Further, when a plaintiff appears without counsel, the court must liberally construe the complaint. *Hall*, 935 F.2d at 1110. But even self-represented litigants bear the burden to “alleg[e] sufficient facts on which a recognized legal claim could be based.” *Id.* This is so because the facts giving rise to the plaintiff’s claims should be known to the self-represented plaintiff even if the plaintiff lacks knowledge of the specific legal theories that support his or her claims. The rule of liberal construction merely aids the self-represented plaintiff by permitting the court to overlook basic drafting errors and confusion of legal theories in determining whether the factual allegations in the complaint can be “reasonably read . . . to state a valid claim on which the plaintiff could prevail.” *Id.* But the rule of liberal construction neither permits nor requires a court to assume the role of the unrepresented litigant’s advocate by “supply[ing] additional factual allegations to round out a plaintiff’s complaint or construct[ing] a legal theory on a plaintiff’s behalf.” *Whitney v. New Mexico*, 113 F.3d 1170, 1175 (10th Cir. 1997). At the motion-to-dismiss stage, a “well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of [the alleged] facts is improbable.” *Straub v. BNSF Ry. Co.*, 909 F.3d 1280, 1287 (10th Cir. 2018) (quoting *Bell Atl. Corp.*, 550 U.S. at 556). Nonetheless, dismissal is appropriate “when the allegations in [the] complaint, however true, could not raise a claim of entitlement to relief.” *Bell Atl. Corp.*, 550 U.S. at 558. The court now turns to Reed’s complaint. II. Claims against McCurtain County District Judge Emily Maxwell Concerning Defendant Maxwell, Reed requests “injunctive relief in the form of recusal of all District 17 judges, because Judge Emily Maxwell’s

husband is ex-McCurtain County Sheriff Johnny Tadlock and one of the claims in Plaintiff's post-conviction is that he was arrested without probable cause[.]" Dkt. 1 at 17. Reed continues, "District Judge Maxwell can order any judge to rule the way she wants them too to protect her husband Johnny Tadlock from a lawsuit for violating Plaintiff's rights." Id. "In order for liability to arise under § 1983, a defendant's direct personal responsibility for the claimed deprivation of a constitutional right must be established." *Trujillo v. Williams*, 465 F.3d 1210, 1227 (10th Cir. 2006). Reed must "identify specific actions taken by particular defendants." *Pahls v. Thomas*, 718 F.3d 1210, 1226 (10th Cir. 2013) (italics in original) (quoting *Tonkovich v. Kan. Bd. of Regents*, 159 F.3d 504, 532 (10th Cir. 2011)). Here, Reed fails to allege any specific actions taken by Defendant Maxwell. Instead, Reed's claims against Defendant Maxwell are based on speculation alone. A complaint fails to state a claim on which relief may be granted when it lacks factual allegations sufficient "to raise a right to relief above the speculative level[.]" *Bell Atl. Corp.*, 550 U.S. at 555 (citation omitted); see also *Foreman v. Elam*, Case No. CIV 18-071-RAW-SPS, 2019 WL 1413755, at *5 (E.D. Okla. Mar. 28, 2019) ("speculation is insufficient to state a claim."). Reed has failed to state a claim against Defendant Maxwell. Therefore, the court grants Defendant Maxwell's Motion to Dismiss (Dkt. 18).³

III. Claims against McCurtain County Special Judge Uptegrove Concerning Defendant Uptegrove, Reed alleges he filed a post-conviction application in 2022, it was assigned to Defendant Uptegrove, and Defendant Uptegrove "acting without jurisdiction ... applied a procedural bar and refused to rule on the merits therefore violating this Petitioner's due process and equal treatment of the OK post-conviction statute[.]" Dkt. 1 at 5, 9. Reed alleges Defendant Uptegrove violated his First Amendment right to access the courts and to address grievances against the government, his Fourteenth Amendment right to due process and equal protection, his Eighth Amendment protections against cruel and unusual punishment and engaged in a conspiracy pursuant to 42 U.S.C. § 1985. Id. at 12-13. Reed seeks damages, injunctive relief and declaratory relief. See id. at 12-13, 19. Defendant Uptegrove argues the claims against him are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), he is entitled to immunity, Reed has failed to state a claim against him and this court lacks jurisdiction to grant Reed's requests for injunctive and declaratory relief. See Dkt. 18. The court agrees and dismisses the claims against Defendant Uptegrove. A. The Heck bar To the extent Reed's suit is meant to directly attack the validity of his conviction, his claims against Defendant Uptegrove must be dismissed "as an improper use of Section 1983." Alexander 3 Defendant Maxwell also argued the Heck doctrine, discussed below, bars Reed's claims, she is immune from suit and this court lacks jurisdiction over Reed's claims requesting injunctive and declaratory relief. See Dkt. 18. Because the court concludes Reed has failed to state a claim against Defendant Maxwell, the court declines to address these alternative arguments as they relate to Defendant Maxwell. v. *Lucas*, 259 F. App'x 145, 147 (10th Cir. 2007).⁴ In *Heck*, the Supreme Court stated that, if judgment in favor of the prisoner plaintiff in a Section 1983 damages suit "would necessarily imply the invalidity of his conviction or sentence[, then] the complaint must be dismissed unless the plaintiff can

demonstrate that the conviction or sentence has already been invalidated.” 512 U.S. at 487; see also *Edwards v. Balisok*, 520 U.S. 641, 648 (1997) (extending the rule in *Heck* to Section 1983 claims that, like Reed’s, seek declaratory relief); *Lawson v. Engleman*, 67 F. App’x 524, 526 n.2 (10th Cir. 2003) (concluding plaintiff’s “claims for declaratory and injunctive relief are barred under *Heck*” because “his request ... necessarily implies the invalidity of his conviction or sentence.”). In his Complaint, Reed makes a number of arguments that would, if accepted by a court, clearly indicate the invalidity of his conviction. For example, Reed argues his conviction was the result of perjured testimony (see Dkt. 1 at 3), he is innocent of the offense (*id.* at 5) and Defendant Uptegrove acted without jurisdiction (*id.* at 9). Moreover, Reed has not demonstrated that his conviction has already been invalidated. “As such, Reed’s suit, construed in this way, has no proper basis as a Section 1983 claim.” *Alexander*, 259 F. App’x at 148. Reed argues in his Response that his claim is not barred by *Heck* because the exception identified in *Cohen v. Longshore*, 621 F.3d 1311 (10th Cir. 2010) applies. Dkt. 32 at 1-2. In *Cohen*, the plaintiff raised two allegations in a civil rights complaint: false imprisonment and denial of access to the courts. See *id.* at 1315. The district court found that *Heck* would bar his claims because the plaintiff had not already “invalidated his imprisonment;” however, the plaintiff’s transfer out of custody mooted any potential for habeas relief. *Id.* In a case of first 4 The court cites all unpublished decisions herein for their persuasive value. See Fed. R. App. P. 32.1; 10th Cir. R. 32.1. impression, the Tenth Circuit held that a plaintiff “who has no available remedy in habeas, through no lack of diligence on his part, is not barred by *Heck* from pursuing a § 1983 claim.” *Id.* at 1317. Unlike in *Cohen*, Reed still has an available remedy: Reed could move for authorization from the Tenth Circuit to file a second or successive petition raising the constitutional claim identified in this action. See 28 U.S.C. § 2244(2)(B)(i), (ii). As such, *Cohen* does not apply here. See *Marshall v. Lombardi*, Case No. 13-CV-484-SPF-PJC, 2013 WL 5223507, at *3 (N.D. Okla. Sept. 16, 2013) (suggesting that *Cohen* did not prevent *Heck*’s application due to the availability of a request for permission to file a second or successive petition but denying plaintiff’s claims on the merits without deciding). Therefore, *Cohen* does not apply to Reed’s claims, and they are barred by *Heck*. B. The Rooker-Feldman doctrine To the extent Reed does not challenge the validity of his conviction but is only challenging the Defendant Uptegrove’s application of procedural bars to dismiss his post-conviction application (see Dkt. 1 at 136), his claims against Defendant Uptegrove are not barred by *Heck* but still must be dismissed pursuant to the Rooker-Feldman doctrine. See *Alexander*, 259 F. App’x at 148. Under the Rooker-Feldman doctrine, federal district courts have no jurisdiction to consider suits “that amount to appeals of state-court judgments.” *Bolden v. City of Topeka*, 441 F.3d 1129, 1139 (10th Cir.2006). This doctrine applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the [federal] district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus., Corp.*, 544 U.S. 280, 284 (2005). Reed clearly seeks review and rejection of Defendant Uptegrove’s order denying his application for post-conviction

relief. Dkt. 1 at 13 (“Plaintiff would simply like for his claims on post-conviction to be ruled upon for relief.”). This court does not have jurisdiction to provide such relief. See *Alexander*, 259 F. App’x at 148. C. Judicial immunity Additionally, Defendant Uptegrove is entitled to immunity from suit for civil damages. It is well established that “[a]bsolute immunity bars suits for money damages for acts made in the exercise of prosecutorial or judicial discretion.” *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007) (quoting *Guttman v. Khalsa*, 446 F.3d 1027, 1033 (10th Cir. 2006) (citing *Mireles v. Waco*, 502 U.S. 9, 13 (1991))). Reed explicitly requests damages. Dkt. 1 at 12-13, 19. Defendant Uptegrove was “performing judicial acts and [was] therefore clothed with absolute judicial immunity[]” when he ruled on Reed’s application for post-conviction relief. *Hunt v. Bennett*, 17 F.3d 1263, 1266 (10th Cir. 1994). For all the reasons outlined above, the court grants Defendant Uptegrove’s Motion to Dismiss (Dkt. 18).

IV. Claims against McCurtain County District Attorney Matloff Reed also asserts several claims against Defendant Matloff. The court discerns the following claims: a due process violation premised upon a Napue claim and a Brady claim, a retaliation claim, and a cruel and unusual punishment claim. See Dkt. 1 at 13-17. Defendant Matloff only addresses Reed’s Brady claim and, in passing, the retaliation claim. See Dkt. 20.5 Defendant Matloff contends Reed’s Brady claim is barred by Heck, the Rooker-Feldman doctrine and “a Brady violation cannot arise from information the accused already knows.” *Id.* at 1-2. 5 Defendant Matloff did address the Napue claim in his reply brief. However, “arguments raised for the first time in a reply brief are generally deemed waived.” *United States v. Harrell*, 642 F.3d 907, 918 (10th Cir.2011). Nevertheless, pursuant to the court’s obligation to screen Reed’s complaint, the court will address all claims presented. 28 U.S.C. § 1915(e)(2)(B).

A. The Napue claim To establish a Napue violation, a defendant must show that the prosecution knowingly solicited false testimony or knowingly allowed it “to go uncorrected when it appear[ed].” *Napue v. People of State of Illinois*, 360 U.S. 264, 269 (1959). If the defendant makes that showing, a new trial is warranted so long as the false testimony “may have had an effect on the outcome of the trial,” *id.* at 272,—that is, if it “‘in any reasonable likelihood [could] have affected the judgment of the jury[.]’” *Giglio v. United States*, 405 U.S. 150, 154 (1972) (quoting *Napue*, 360 U.S. at 271). Here, Reed alleges the state’s witness, Patricia Hollingsworth (“Hollingsworth”), provided perjured testimony at his trial. Dkt. 1 at 13-14. Reed directs the Napue claim at Defendant Matloff for allegedly failing to “correct the perjured testimony” when Reed presented the issue in his 2023 application for post-conviction relief. *Id.* at 14. As an initial matter, the court questions whether Reed can state a cognizable claim against Defendant Matloff for a Napue violation given Reed readily admits Defendant Matloff did not prosecute him. *Id.* at 13-14. The court further questions the timeliness of this claim.⁶ Assuming without deciding Reed has stated a claim and it is timely, the court concludes Reed’s Napue claim against Defendant Matloff barred by Heck. Judgment in favor of Reed in this action would clearly imply the invalidity of his state court action. Reed requests this court to “order DA Matloff to confess said [Napue] violation so that [Reed] may file a new post-conviction.” Dkt. 1 at 17. Reed’s claim is essentially a prosecutorial misconduct claim

which is barred by Heck. See *Baldwin v. O'Connor*, 466 F. App'x 717, 717-18 (10th Cir. 2012) (affirming dismissal of prosecutorial misconduct claims under § 1983). In his Response to the Judicial Defendants' Motion to Dismiss, Reed states, in his original 2010 application for post-conviction relief, he "brought forth a prosecutorial misconduct claim for using the perjured testimony of state's witness Patricia Hollingsworth." Dkt. 32 at 2. pursuant to Heck); *Ramos v. Shepherd*, 415 F. App'x 48, 48-49 (10th Cir. 2011) (holding that claims that a sheriff's deputy gave perjured testimony and the deputy public defender and deputy district attorney failed to alert the court were properly dismissed pursuant to Heck).⁷ Reed again argues in his Response that his claims are not barred by Heck because the exception identified in *Cohen*, 621 F.3d 1311, applies. Dkts. 24 and 34 at 3. As noted above, Reed does not fall within the *Cohen* exception to Heck. See *supra* at Section III(A). Therefore, to the extent Reed requests damages, declaratory relief and/or injunctive relief from Defendant Matloff, his Napue claim is barred by Heck. See *Heck*, 512 U.S. at 487; see also *Edwards*, 520 U.S. at 648; see also *Lawson*, 67 F. App'x at 526 n.2. B. The Brady claim As for the due process claim premised upon the alleged Brady violation, Reed alleges Defendant Matloff reached an agreement with Hollingsworth, wherein she would testify against Reed in his criminal trial in exchange for preferential treatment regarding her own criminal charges. See, generally, Dkt. 1 at 16. Reed alleges Defendant Matloff "has still refused to tell" Reed the contents of the alleged Matloff-Hollingsworth agreement and this constitutes a due process violation. See *id.* Defendant Matloff argues Reed's Brady claim is also barred by Heck. Dkt. 20 at 5-6. The court agrees. Again, assuming without deciding that any deal between the state and Hollingsworth was material to Reed's guilt, "a Brady claim, when successful postconviction, necessarily yields ⁷ Significantly, Reed previously presented a nearly identical claim against Oklahoma Attorney General Gentner Drummond for "improperly refusing to intercede in the post-conviction proceedings to concede a Napue violation by the prosecution and seek a new trial on [Reed's] behalf[.]" *Reed v. Drummond*, Case No. CIV-25-672-J, 2025 WL 3171867, at *3 (W.D. Okla. Sep. 29, 2025), report and recommendation adopted by 2025 WL 2992559 (W.D. Okla. Oct. 24, 2025). The Honorable Bernard M. Jones dismissed this claim as barred by Heck. See *Reed v. Drummond*, Case No. CIV-25-672-J, 2025 WL 2992559, at *2 (W.D. Okla. Oct. 24, 2025). evidence undermining a conviction[.]" *Skinner v. Switzer*, 562 U.S. 521, 536 (2011). "Accordingly, Brady claims have ranked within the traditional core of habeas corpus and outside the province of § 1983." *Id.* (citing *Heck*, 512 U.S. at 490); see also *Beck v. Muskogee Police Dept.*, 195 F.3d 553, 560 (10th Cir. 1999). And, as noted above, *Cohen* does not provide Reed with a loophole to avoid the Heck bar. See *supra*. Therefore, any request for damages, declaratory relief or injunctive relief from Defendant Matloff for a due process violation premised on a Brady claim is barred. See *Heck*, 512 U.S. at 487; see also *Edwards*, 520 U.S. at 648; see also *Lawson*, 67 F. App'x at 526 n.2. 8 C. Retaliation claim Concerning his retaliation claim, Reed alleges he was arrested on November 21, 2006, was charged November 28, 2006, and in early December of 2006 had an exchange with Defendant Matloff through the jail window wherein Defendant Matloff

stated, “[y]ou talked bad about me in the newspaper and I am personally going to make sure you spend the rest of your life in prison!” Dkt. 1 at 14. Reed alleges “Plaintiff was charged with second degree murder in a self-defense shooting because of his protected free speech under the 1st Amendment.” Id. at 15. Despite this exchange admittedly occurred after Reed was charged and despite Reed acknowledging Defendant Matloff did not prosecute him, Reed alleges the aforementioned conduct constitutes retaliation. Defendant Matloff briefly argues he is entitled to prosecutorial immunity as it relates to this claim. See Dkt. 20 at 10-11. The court concludes the claim is time-barred. Because § 1983 The court further notes Reed failed to allege any specific conduct by Defendant Matloff to support his Brady claim. Reed explicitly alleges the Bryan County District Attorney’s Office prosecuted his charges. Dkt. 1 at 14-15. Thus, any exculpatory information that was not provided to Reed cannot be attributed to Defendant Matloff. Further, Reed has not alleged Defendant Matloff had any direct personal responsibility for any claimed deprivation. Therefore, for these additional reasons, Reed has failed to state a claim against Defendant Matloff. does not contain a statute of limitations, federal courts “must adopt the most analogous limitations period provided by state law.” *Abbitt v. Franklin*, 731 F.2d 661, 663 (10th Cir. 1984); see *Wallace v. Kato*, 549 U.S. 384, 387 (2007) (noting that the statute of limitations for a § 1983 action “is that which the [s]tate provides for personal-injury torts”). In Oklahoma, the applicable statute of limitations is two (2) years. *Okla. Stat. tit. 12, § 95(3)*; *Titworth v. Okla. Dep’t of Corr.*, 561 F. App’x 746, 747 (10th Cir. 2014); *Stevenson v. Grace*, 356 F. App’x 97, 98 (10th Cir. 2009); *Alexander v. Oklahoma*, 382 F.3d 1206, 1212 n.1 (10th Cir. 2004). But federal law governs the accrual date of a § 1983 claim. *Wallace*, 549 U.S. at 388. Under federal law, a § 1983 claim accrues “when the plaintiff has ‘a complete and present cause of action.’” Id. (quoting *Bay Area Laundry and Dry Cleaning Pension Trust Fund v. Ferbar Corp. of Cal.*, 522 U.S. 192, 201 (1997)); see also *Alexander*, 382 F.3d at 1215 (“In general, under the federal discovery rule, claims accrue and ‘[t]he statute of limitations begins to run when the plaintiff knows or has reason to know of the existence and cause of the injury which is the basis of his action.’” (quoting *Indus. Constructors Corp. v. U.S. Bureau of Reclamation*, 15 F.3d 963, 969 (10th Cir. 1994))). Thus, a plaintiff in Oklahoma ordinarily must file a § 1983 action within two (2) years of the date when the facts supporting the plaintiff’s cause of action are or should be apparent to the plaintiff. In some circumstances, the statute of limitations is subject to tolling, and “state law governs the application of tolling in a civil rights action.” *Alexander*, 382 F.3d at 1217. Here, Reed alleges the exchange which forms the basis of his retaliation claim occurred in 2006. The jury trial was held in February of 2008. Dkt. 18-1 at 10-11. Therefore, at the latest, Reed was aware of the alleged retaliation and resulting injury when he was convicted in February of 2008. Reed does not allege any facts which support tolling the applicable statute of limitations. Therefore, this claim is untimely and must be dismissed. D. Cruel and unusual punishment For his final claim against Defendant Matloff, Reed alleges “Matloff[‘s] actions also violated the Eighth Amendment against cruel and unusual punishment for leaving me illegally incarcerated.” Dkt. 1 at 16. Defendant

Matloff did not address this claim. See Dkt. 20, 28. To the extent Plaintiff specifically invokes the Eighth Amendment in claiming his confinement amounted to cruel and unusual punishment, his claim fails. Reed was a pretrial detainee at the time of the incidents giving rise to his claims. *Id.* at 13-15. The Eighth Amendment's protections are not applicable to pretrial detainees. See *Colbruno v. Kessler*, 928 F.3d 1155, 1162 (10th Cir. 2019). Therefore, the court dismisses Reed's Eighth Amendment cruel and unusual punishment claim. For all of the reasons articulated above, Reed's claims against Defendant Matloff fail, and the court grants Defendant Matloff's Motion to Dismiss (Dkt. 20).

CONCLUSION

IT IS THEREFORE ORDERED that Defendants McCurtain County District Judge Emily Maxwell and Special Judge Mark Uptegrove's Motion to Dismiss (Dkt. 18) is granted, and Plaintiff Chad William Reed's claims against Defendants Maxwell and Uptegrove are dismissed without prejudice. IT IS FURTHER ORDERED that Defendant McCurtain County District Attorney Mark Matloff's Motion to Dismiss (Dkt. 20) is granted, and Reed's claims against Defendant Matloff are dismissed without prejudice. IT IS FURTHER ORDERED that a separate judgment of dismissal shall be entered. DATED this 12th day of December, 2025.