

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

Eric Skidmore v. Walmart South Haven MS

No. 3:25-CV-155-RPC-RP (N.D. Miss. Mar. 18, 2026) · No. 3:25-CV-155-RPC-RP · Decided March 18, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi granted Walmart’s motion for summary judgment in Eric Skidmore’s pro se action arising from his arrest and conviction for shoplifting. The court construed the pleadings as asserting malicious prosecution, perjury and false accusations, false arrest, and abuse of process claims. It held that the claims were barred by various substantive deficiencies, witness immunity or lack of a private perjury action, insufficient evidence, and applicable statutes of limitations.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Oxford Division
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	March 18, 2026
DOCKET	3:25-CV-155-RPC-RP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action in Mississippi state court; defendant removed on diversity grounds and moved for summary judgment. The federal district court granted the motion.
STANDARD OF REVIEW	Summary judgment is proper 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. When the nonmovant bears the trial burden, the movant may point to an absence of evidence, after which the nonmovant must produce competent evidence showing a genuine issue for trial. In diversity, the court applies Mississippi substantive law and federal procedural rules.
PRECEDENTIAL VALUE	Unknown; district court order with no reported or neutral citation identified.
PARTIES	Eric Skidmore v. Walmart South Haven MS

TOPICS

summary judgment

malicious prosecution

false arrest

abuse of process

civil procedure

PRACTICE AREAS

civil procedure

torts

summary judgment

malicious prosecution

false arrest

abuse of process

QUESTIONS PRESENTED

1. Whether Skidmore's malicious prosecution claim could survive summary judgment when his criminal case ended in a conviction rather than a favorable termination, when he had not shown lack of probable cause or malice, and when the claim was untimely.
2. Whether claims based on alleged perjury and false accusations by a Walmart employee were barred by witness immunity and the absence of a private right of action for perjury.
3. Whether Skidmore presented competent evidence creating a genuine issue of material fact on his false arrest claim, and whether that claim was barred by probable cause and the statute of limitations.
4. Whether Skidmore presented evidence supporting an abuse-of-process claim, and whether filing a criminal shoplifting complaint alone constitutes an illegal use of legal process.
5. Whether Walmart was entitled to summary judgment on all claims.

HOLDINGS

1. A plaintiff cannot establish Mississippi malicious prosecution when the underlying criminal proceeding ended in a conviction rather than a favorable termination. Skidmore also failed to establish lack of probable cause, malice, or timely filing, so summary judgment was proper on this claim.
2. A witness is absolutely immune from a civil suit based on testimony given in an adversarial criminal or civil proceeding, and Mississippi does not recognize a private right of action for perjury. Skidmore therefore could not maintain claims based on the Walmart employee's trial testimony.
3. Skidmore could not establish a genuine issue of material fact on false arrest because the surveillance video and his shoplifting conviction supplied probable cause, and the claim was filed more than one year after the arrest.
4. Skidmore could not maintain an abuse-of-process claim based merely on Walmart's filing of a criminal shoplifting complaint or on unsupported allegations that Walmart caused his arrest and conviction. He produced no competent evidence of an illegal use of process, ulterior motive, or resulting damages.

KEY QUOTATIONS

"The Court, having reviewed the parties' respective filings and the applicable authorities, hereby GRANTS the Motion for Summary Judgment [16]."

"This alone precludes Skidmore's malicious prosecution claim, since favorable termination of the proceedings is a necessary element."

"The testimony of a witness in a criminal or civil trial cannot be the basis of a civil lawsuit."

“The Goode court held that an abuse of process claim cannot be based solely upon the filing of a criminal complaint by the civil defendant.”

FACTUAL BACKGROUND

On November 20, 2023, Skidmore used a Walmart self-checkout while speaking on the telephone, bagged his items, and walked away without paying. Walmart personnel stopped him when he could not produce a receipt, and he was arrested and charged with shoplifting. Skidmore was convicted on March 13, 2024, but did not appeal for a trial de novo. He later sued Walmart, claiming that he had returned to pay, that Walmart selectively presented surveillance video and gave false testimony, and that the arrest and conviction caused trauma and humiliation.

PROCEDURAL HISTORY

Skidmore filed suit in the Circuit Court of DeSoto County, Mississippi, alleging that Walmart employees committed perjury, made false accusations, and caused his arrest and conviction for shoplifting. Walmart removed the action to the Northern District of Mississippi based on diversity jurisdiction. The district court liberally construed the pro se allegations as claims for malicious prosecution, perjury and false accusations, false arrest, and abuse of process, and granted Walmart's motion for summary judgment on all claims.

DISPOSITION

other

CASES CITED

- Jones v. State, 972 So. 2d 579, 580 (Miss. 2008)
- Little v. Wilson, 189 Miss. 825, 199 So. 72, 73 (1940)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)
- Jones v. United States, 936 F.3d 318, 321 (5th Cir. 2019)
- Stelly v. Department of Public Safety & Corrections, Louisiana State, 149 F.4th 516, 521 (5th Cir. 2025)
- Lindsey v. Sears Roebuck & Co., 16 F.3d 616, 618 (5th Cir. 1994)
- Donaghey v. Ocean Drilling & Exploration Co., 974 F.2d 646, 649 (5th Cir. 1992)
- Jack v. Evonik Corp., 79 F.4th 547, 555 (5th Cir. 2023)
- Cates v. Sears Roebuck & Co., 928 F.2d 679, 687 (5th Cir. 1991)
- Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)
- Brabham v. O'Reilly Automotive, Inc., 274 F. App'x 373, 376 (5th Cir. 2008)
- McClinton v. Delta Pride Catfish, Inc., 792 So. 2d 968, 973 (Miss. 2001)
- Tyus v. Kidney Care, Inc., 982 F. Supp. 422, 424 (N.D. Miss. 1997)
- Royal Oil Co., Inc. v. Wells, 500 So. 2d 439, 443 (Miss. 1986)
- Pugh v. Easterling, 367 So. 2d 935, 938 (Miss. 1979)

- Matlock v. Bramlett, 2021 WL 4434015, at *1, *7 (S.D. Miss. Sept. 27, 2021)
- University of Mississippi Medical Center v. Oliver, 235 So. 3d 75, 82-83 (Miss. 2017)
- Dollar General Corp. v. Dobbs, 409 So. 3d 569, 573 (Miss. 2025)
- Sanderson Farms, Inc. v. McCullough, 212 So. 3d 69, 71 (Miss. 2017)
- Knight v. R.S., 315 So. 3d 549, 552 (Miss. Ct. App. 2021)
- Sage v. McElveen, No. 94-40451, 53 F.3d 1280, 1995 WL 295869, at *2 (5th Cir. 1995)
- Blakely v. City of Laurel, No. 2:14-cv-82-HSO-JCG, 2015 WL 13091648, at *4 (S.D. Miss. Sept. 17, 2015)
- Knotts ex rel. Knotts v. Hassell, 659 So. 2d 886, 889-90 (Miss. 1995)
- City of Mound Bayou v. Johnson, 562 So. 2d 1212, 1218-19 (Miss. 1990)
- Croft v. Grand Casino Tunica, Inc., 910 So. 2d 66, 75 (Miss. Ct. App. 2005)
- Auguster v. Vermilion Parish School Board, 249 F.3d 400, 402 (5th Cir. 2001)
- Ayles ex rel. Allen v. Allen, 907 So. 2d 300, 303 (Miss. 2005)
- McLain v. West Side Bone & Joint Center, 656 So. 2d 119, 123 (Miss. 1995)
- Goode v. Walmart, 372 So. 3d 149, 165 (Miss. Ct. App. 2023)
- Harried v. Forman Perry Watkins Krutz & Tardy, 813 F. Supp. 2d 835, 840 (S.D. Miss. 2011)