

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, NORTHEASTERN DIVISION

Trenece L. Harbour v. John Cryer, et al.

Harbour · No. 5:24-cv-124-ACA-JHE · Decided March 19, 2026

SUMMARY

The United States District Court for the Northern District of Alabama considers Trenece L. Harbour’s objections to a magistrate judge’s report and a motion to amend a pro se 42 U.S.C. § 1983 complaint. The court vacates its prior partial dismissal order, adopts the recommendation, dismisses the official-capacity claims with prejudice and the remaining claims without prejudice, and permits the malicious prosecution claims against Detectives John Cryer and Jimmy Woodard to proceed. The court denies leave to amend as futile.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Northeastern Division
WRITING FOR THE COURT	Annemarie Carney Axon
JURISDICTION	United States District Court for the Northern District of Alabama, Northeastern Division
DECIDED	March 19, 2026
DOCKET	5:24-cv-124-ACA-JHE
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a civil-rights action under 42 U.S.C. § 1983. After initially adopting a magistrate judge's recommendation and partially dismissing the complaint, the district court vacated that dismissal because the plaintiff's objections were deemed timely under the prison-mailbox rule, considered the objections, and denied leave to amend as futile.
STANDARD OF REVIEW	The court reviewed the magistrate judge's report and recommendation after determining that the prisoner's objections were timely under the prison-mailbox rule. It applied the futility standard to the motion for leave to amend and reviewed the proposed claims for whether they would still be subject to dismissal.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; limited persuasive value
PARTIES	Trenece L. Harbour v. John Cryer, Jimmy Woodard, Bud Turner, Jana Roberts, Byron McVeigh

TOPICS

section 1983 civil rights due process civil procedure

PRACTICE AREAS

civil rights constitutional law civil procedure federal courts

QUESTIONS PRESENTED

1. Whether Harbour's objections to the magistrate judge's report were timely under the prisoner-mailbox rule.
2. Whether the claims against defendants in their official capacities for monetary relief were barred by the Eleventh Amendment.
3. Whether Harbour should receive leave to amend claims against Judge Turner and prosecutors Roberts and McVeigh when the proposed claims were futile because of lack of supporting facts or prosecutorial immunity.
4. Whether the conspiracy claim against Detectives Cryer and Woodard was barred by the intracorporate conspiracy doctrine.
5. Whether the false-arrest, malicious-prosecution, and other § 1983 claims should be dismissed or allowed to proceed under 28 U.S.C. § 1915A.

HOLDINGS

1. A prisoner's objections are deemed filed when delivered to prison officials for mailing, and Harbour's objections were timely because they were dated before the deadline.
2. Although a pro se plaintiff generally must be given at least one opportunity to amend before dismissal with prejudice, leave may be denied when the proposed amendment would be futile because the amended complaint would still be subject to dismissal.
3. Prosecutors are absolutely immune from § 1983 claims based on conduct within their prosecutorial authority, including presenting evidence to a grand jury and appearing in court to support a warrant application.
4. The intracorporate conspiracy doctrine bars a civil-rights conspiracy claim when the alleged conspirators are employees of the same entity and act within the scope of their employment.

KEY QUOTATIONS

“Generally, a pro se plaintiff “must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice—at least, that is, where a more carefully drafted complaint might state a claim.”” (Memorandum opinion at 2)

“But that opportunity is not warranted if amendment would be futile—that is, “when the complaint as amended is still subject to dismissal.”” (Memorandum opinion at 2)

“A plaintiff claiming a § 1983 conspiracy must prove the defendants reached an understanding to violate the plaintiff’s constitutional rights.” (Memorandum opinion at 5)

FACTUAL BACKGROUND

Harbour filed a pro se § 1983 complaint against a state-court judge, two prosecutors, and two detectives arising from his arrest and prosecution. He alleged false arrest, malicious prosecution, conspiracy, and due-process violations, and sought monetary, injunctive, and declaratory relief. The proposed amended complaint added or substituted prosecutor Byron McVeigh and alleged that the prosecutors failed to independently determine probable cause before presenting evidence to a grand jury and seeking an arrest warrant.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal with prejudice of all claims except malicious-prosecution claims against Detectives Cryer and Woodard. The district court initially adopted the recommendation in part after receiving no objections by the apparent deadline. Upon receiving objections dated before the deadline, the court vacated the partial dismissal order, overruled the objections, adopted the report and recommendation, dismissed the official-capacity claims for monetary relief with prejudice, dismissed the remaining claims without prejudice, allowed the malicious-prosecution claims against Cryer and Woodard to proceed, and denied the motion to amend.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk of Court was ordered to refer Harbour's malicious-prosecution claims against Detectives Cryer and Woodard to the magistrate judge for further proceedings.

CASES CITED

- *Houston v. Lack*, 487 U.S. 266, 270–72 (1988)
- *Silberman v. Miami Dade Transit*, 927 F.3d 1123, 1132 (11th Cir. 2019)
- *Burger King Corp. v. Weaver*, 169 F.3d 1310, 1320 (11th Cir. 1999)
- *Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993)
- *Rehberg v. Paulk*, 611 F.3d 828, 837–38 (11th Cir. 2010)
- *Shipner v. E. Air Lines, Inc.*, 868 F.2d 401, 406–07 (11th Cir. 1989)

- Hall v. United Ins. Co. of Am., 367 F.3d 1255, 1262–63 (11th Cir. 2004)
- Grider v. City of Auburn, 618 F.3d 1240, 1260 (11th Cir. 2010)
- Grider v. City of Auburn, 618 F.3d 1240, 1261 (11th Cir. 2010)
- Van de Kamp v. Goldstein, 555 U.S. 335, 343 (2009)

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