

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, PENSACOLA DIVISION

Viles Delices v. Kendric Cummins

No. 3:25cv2483-MW-HTC, United States District Court for the Northern District of Florida, Pensacola Division
(March 9, 2026)

SUMMARY

A magistrate judge recommends dismissing without prejudice a pro se prisoner's 42 U.S.C. § 1983 retaliation claim against a correctional sergeant. The recommendation concludes that the claim is barred by Heck v. Humphrey and Edwards v. Balisok because the challenged disciplinary report resulted in a loss of gain time and has not been invalidated. The court also recommends declining supplemental jurisdiction over the plaintiff's state-law claims for breach of fiduciary duty and intentional infliction of emotional distress.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Pensacola Division
WRITING FOR THE COURT	Hope Thai Cannon
JURISDICTION	United States District Court for the Northern District of Florida, Pensacola Division
DECIDED	March 9, 2026
DOCKET	3:25cv2483-MW-HTC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on screening of a prisoner's amended pro se complaint filed under 42 U.S.C. § 1983 and seeking damages.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), including whether the complaint fails to state a claim on which relief may be granted; pro se allegations are liberally construed, but conclusory allegations and legal conclusions are not presumed true.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Viles Delices v. Kendric Cummins

TOPICS

section 1983

prisoners rights

first amendment

civil rights

federal habeas corpus

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

federal civil procedure

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether Delices's First Amendment retaliation claim under 42 U.S.C. § 1983 is barred by *Heck v. Humphrey* and *Edwards v. Balisok* because success would necessarily imply the invalidity of a prison disciplinary conviction that resulted in the loss of gain time.
2. Whether the court should exercise supplemental jurisdiction over Delices's state-law claims after dismissal of the sole federal claim.

HOLDINGS

1. A prisoner's § 1983 retaliation claim is barred when proving the claim would necessarily imply the invalidity of a disciplinary conviction that resulted in the loss of gain time, unless that conviction has previously been invalidated. Because Delices was found guilty, lost gain time, and did not allege that the disciplinary report had been overturned, the retaliation claim should be dismissed without prejudice.
2. The court should decline supplemental jurisdiction over the breach-of-fiduciary-duty and intentional-infliction-of-emotional-distress claims after dismissal of the only federal claim and should dismiss those claims without prejudice.

KEY QUOTATIONS

"[T]o recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254." (512 U.S. at 486-87)

"a state prisoner's § 1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner's suit (state conduct leading to conviction or internal prison proceedings)—if success in that action would necessarily demonstrate the invalidity of confinement or its duration." (544 U.S. at 81-82)

FACTUAL BACKGROUND

Delices, a Florida prisoner, alleged that Sergeant Kendric Cummins planted a cell phone under his bunk and issued him a disciplinary report after stating that Delices should drop an earlier lawsuit against correctional staff. Delices was found guilty of possessing the phone after prison officials allegedly failed to provide requested witness statements and video footage, and he lost 120 days of gain time. He asserted First Amendment retaliation, breach of fiduciary duty, and intentional infliction of emotional distress, seeking damages.

PROCEDURAL HISTORY

Delices initially filed a complaint alleging First Amendment retaliation. After screening, the court advised him that a retaliation claim could not proceed if he had been found guilty of the disciplinary report and lost gain time, and allowed him to file either a voluntary dismissal or an amended complaint. Delices filed an amended complaint, conceding that he lost 120 days of gain time. The magistrate judge recommended dismissal without prejudice of the federal claim as Heck-barred, dismissal without prejudice of the state-law claims, and closure of the case; the document is a report and recommendation subject to objections.

DISPOSITION

dismissed

CASES CITED

- Brown v. Tallahassee Police Department, 205 F. App'x 802, 802 (11th Cir. 2006)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681 (2009)
- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- Farrow v. West, 320 F.3d 1235, 1248 (11th Cir. 2003)
- Thomas v. Evans, 880 F.2d 1235, 1242 (11th Cir. 1989)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)
- Edwards v. Balisok, 520 U.S. 641 (1997)
- Wilkinson v. Dotson, 544 U.S. 74, 81-82 (2005)
- Schreane v. Marr, 722 F. App'x 160, 166 (3d Cir. 2018)
- Miller v. Sanford, 257 F. App'x 246 (11th Cir. 2007)
- Raney v. Allstate Insurance Co., 370 F.3d 1086, 1089 (11th Cir. 2004)
- Petersen v. Overstreet, 819 F. App'x 778, 780 (11th Cir. 2020)