

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Jerome Watts v. Green Bay Correctional Institution

Watts · No. 26-cv-0178-bhl · Decided February 9, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Jerome Watts leave to proceed in forma pauperis but dismisses his 28 U.S.C. § 2254 petition without prejudice. The court holds that Watts’s allegations concerning denial of seizure medication seek relief unavailable through habeas corpus and should instead be pursued in a civil action under 42 U.S.C. § 1983; the court also denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 9, 2026
DOCKET	26-cv-0178-bhl
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of a state prisoner's second petition for a writ of habeas corpus under 28 U.S.C. § 2254, accompanied by a motion to proceed in forma pauperis.
STANDARD OF REVIEW	The court screened the habeas petition under the governing habeas statutes and determined whether the alleged relief was available in a § 2254 proceeding.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jerome Watts v. Green Bay Correctional Institution

TOPICS

- federal habeas corpus
- section 1983
- prisoners rights
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether allegations that prison officials violated Watts's constitutional rights during his imprisonment, coupled with requests for monetary damages and injunctive relief, are properly brought in a § 2254 habeas petition.
2. Whether Watts was entitled to proceed in forma pauperis.
3. Whether Watts was entitled to a certificate of appealability.

HOLDINGS

1. A § 2254 habeas petition is appropriate when a petitioner claims that he is in custody in violation of the Constitution; claims alleging constitutional violations occurring during imprisonment, including claims seeking damages or injunctive relief concerning prison conditions, must instead be brought as a civil action under 42 U.S.C. § 1983.
2. Watts was permitted to proceed in forma pauperis because he represented under penalty of perjury that he had no assets.
3. A certificate of appealability was denied because no reasonable jurist could debate whether Watts's claim was a properly characterized habeas petition.

KEY QUOTATIONS

“This type of claim must be brought as a civil action under 42 U.S.C. §1983.” (Screening Order)

“Accordingly, the Court will deny Watts’s habeas petition. If he wishes to proceed with a claim under Section 1983, he may refile his case using the district’s prisoner complaint form.” (Screening Order)

“No reasonable jurist could debate whether Watts’s claim is a properly characterized petition for habeas corpus.” (Screening Order)

FACTUAL BACKGROUND

Jerome Watts is a state prisoner incarcerated at Green Bay Correctional Institution. He alleged that he was being denied seizure medication and sought monetary damages and injunctive relief. He characterized the claims as a petition for habeas corpus under 28 U.S.C. § 2254.

PROCEDURAL HISTORY

Watts previously filed a § 2254 petition that was dismissed without prejudice for failure to exhaust state remedies. He then filed this petition alleging that prison officials denied him seizure medication and seeking monetary damages and injunctive relief. The district court granted in forma pauperis status, dismissed the habeas petition, denied a certificate of appealability, and directed entry of judgment while permitting Watts to refile the claims under 42 U.S.C. § 1983.

DISPOSITION

dismissed

CASES CITED

- Gibson v. City of Chicago, 910 F.2d 1510, 1519–20 (7th Cir. 1990)
- Jones v. Bock, 549 U.S. 199, 212 (2007)
- Walker v. O’Brien, 216 F.3d 626, 639 (7th Cir. 2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)

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