

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, SOUTHERN DIVISION

Hines v. Headley, et al.

Hines · No. 1:24-cv-323-RAH-KFP · Decided April 8, 2026

SUMMARY

The court denied Mark Anthony Hines's petition for a writ of habeas corpus under 28 U.S.C. § 2254 and dismissed the case without prejudice for failure to exhaust state-court remedies. The court also concluded that Hines's claim for monetary damages was not cognizable in a habeas proceeding and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Southern Division
WRITING FOR THE COURT	R. Austin Huffaker, Jr.
JURISDICTION	United States District Court for the Middle District of Alabama, Southern Division
DECIDED	April 8, 2026
DOCKET	1:24-cv-323-RAH-KFP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus petition under 28 U.S.C. § 2254 following state criminal proceedings and an unappealed denial of a state motion for new trial.
STANDARD OF REVIEW	The court reviewed the § 2254 petition and state-court record for facial legal sufficiency and determined whether the claims had been exhausted through one complete round of Alabama appellate review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mark Anthony Hines v. Joseph Headley, et al.

TOPICS

- federal habeas corpus
- state post-conviction relief
- post-conviction relief
- damages
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Hines's sentence-related claims were unexhausted because he did not present them through one complete round of Alabama appellate review.
2. Whether monetary damages for alleged unlawful detention and abuse are available through a federal habeas corpus petition.
3. Whether the petition should be dismissed without prejudice without an evidentiary hearing and without issuing a certificate of appealability.

HOLDINGS

1. A § 2254 petitioner must fairly present the substance of his federal claims to the state courts through one complete round of the state's established appellate review process. Because Hines did not raise or pursue either claim through direct review or Alabama Rule 32 proceedings and the required appeals, his claims were unexhausted.
2. Monetary damages are not an available habeas corpus remedy, so Hines's damages claim was legally insufficient on its face.
3. A federal court may summarily dismiss a habeas petition that is legally insufficient on its face; the petition was denied without an evidentiary hearing.

KEY QUOTATIONS

“A petitioner must exhaust state court remedies before seeking relief through a federal habeas corpus petition.” (text)

“Damages are not an available habeas remedy.” (text)

“Hines did not appeal to the Alabama appellate courts or through a post-conviction petition for collateral review under Rule 32 of the Alabama Rules of Criminal Procedure.” (text)

FACTUAL BACKGROUND

On June 12, 2020, Hines pleaded guilty to unlawful possession of a controlled substance and abuse of a corpse and received concurrent ten-year and fifteen-year sentences. After his release to non-custodial supervision, he was arrested for another unlawful-possession offense, pleaded guilty on March 18, 2024, and received a six-year concurrent sentence. He filed a motion for new trial that was summarily denied and not appealed, then filed a federal § 2254 petition seeking concurrent sentence calculations and \$188,000 in damages.

PROCEDURAL HISTORY

Hines pleaded guilty in Alabama state court to unlawful possession of a controlled substance and abuse of a corpse and received concurrent sentences. After a later guilty plea and sentence for another unlawful-possession charge, he filed a state motion for new trial, which was summarily denied and not appealed. He then filed and amended a § 2254 petition asserting sentence-related claims and seeking monetary damages. The district court

denied the petition without an evidentiary hearing and dismissed it without prejudice for failure to exhaust state remedies; it also concluded that damages are unavailable in habeas proceedings and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Duncan v. Henry, 513 U.S. 364, 365 (1995)
- Picard v. Connor, 404 U.S. 270, 275 (1971)
- Castille v. Peoples, 489 U.S. 346, 349 (1989)
- Lucas v. Sec’y, Dep’t of Corrs., 682 F.3d 1342, 1353 (11th Cir. 2012)
- Anderson v. Harless, 459 U.S. 4, 6 (1982)
- O’Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Ward v. Hall, 592 F.3d 1144, 1156 (11th Cir. 2010)
- Pruitt v. Jones, 348 F.3d 1355, 1359 (11th Cir. 2003)
- Smith v. Jones, 256 F.3d 1135, 1140-41 (11th Cir. 2001)
- Dill v. Holt, 371 F.3d 1301, 1303 (11th Cir. 2004)
- Wrenn v. Toney, No. 21-13337-E, 2022 WL 966398, at *1 (11th Cir. Feb. 10, 2022)
- McFarland v. Scott, 512 U.S. 849, 856 (1994)
- Esslinger v. Davis, 44 F.3d 1515, 1524 (11th Cir. 1995)
- Nelson v. Campbell, 541 U.S. 637, 646 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 494 (1973)

OPINION

Hines

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARK ANTHONY HINES,)

AIS #176654,)

) Petitioner,)) v.) CASE NO. 1:24-cv-323-RAH-KFP) JOSEPH HEADLEY, et al.,))
Respondents.)

MEMORANDUM OPINION AND ORDER

Mark Anthony Hines, an inmate proceeding pro se, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 1.) Thereafter, Respondents filed an Answer, arguing that Hines’

claims are unexhausted and without merit. (Doc. 17; doc. 19.) Upon consideration of the parties' filings, and for the reasons below, Hines' Petition will be denied without an evidentiary hearing. A certificate of appealability will not be issued.

BACKGROUND

On June 12, 2020, Hines pled guilty to unlawful possession of a controlled substance (doc. 17-1 at 1-2.),¹ and abuse of a corpse (doc. 17-2 at 1).² That same day, the state court accepted the guilty plea and sentenced Hines to ten-years on the unlawful possession of a controlled substance count and fifteen-years on the abuse of a corpse count, to run concurrently. (Doc. 17-1 at 2; doc 17-2 at 1.) Hines did not directly appeal either sentence. ¹ Case Number CC-19-0378, Circuit Court of Covington County, Alabama. ² Case Number CC-19-0473, Circuit Court of Covington County, Alabama. Hines was released on non-custodial supervision on June 27, 2023. (Doc. 17 at 2.) However, on October 26, 2023, Hines was again arrested for unlawful possession of a controlled substance. (Doc. 17-3 at 1.)³ On March 18, 2024, Hines pled guilty to this charge. (Doc. 17-4 at 1.) He was then sentenced to a six-year term of imprisonment to run concurrently with the remainder of his ten and fifteen year sentences. (Doc. 17-4 at 1.) Hines filed a motion for new trial on April 16, 2024, but this was summarily denied by the Geneva County District Court the next day. (Doc. 17-6 at 1.) Hines did not appeal this decision. Instead, on May 28, 2024, Hines, pro se, filed a Petition pursuant to 28 U.S.C. § 2254. (Doc. 1.) This was amended on July 8, 2024. (Doc. 8.) In his Petition, Hines asserts: (1) this Court is obligated to backdate the sentence in CC-23-0662 to a date that would allow all three of his sentences to end conterminously and (2) as a result of the Geneva County District Court's failure to resentence him, he is entitled to \$188,000 in damages for unlawful detention and physical and mental abuse.

DISCUSSION

A petitioner must exhaust state court remedies before seeking relief through a federal habeas corpus petition. 28 U.S.C. § 2254(b)(1). This ensures the State has an “‘opportunity to pass upon and correct’ alleged violations of its prisoners’ federal rights.” *Duncan v. Henry*, 513 U.S. 364, 365 (1995) (quoting *Picard v. Connor*, 404 U.S. 270, 275 (1971)); see also *Castille v. Peoples*, 489 U.S. 346, 349 (1989). To meet the exhaustion requirement, the federal habeas petitioner must have “‘fairly presented’ to the state courts the ‘substance’ of his federal habeas claim.” *Lucas v. Sec’y, Dep’t of Corrs.*, 682 F.3d 1342, 1353 (11th Cir. 2012) (quoting ³ Case Number DC-23-0662, District Court of Geneva County, Alabama. *Anderson v. Harless*, 459 U.S. 4, 6 (1982)). In other words, he “must give the state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process.” *O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999). This one complete round can be satisfied either through a direct appeal to the Alabama appellate courts or through a post-conviction petition for collateral review under Rule 32 of the Alabama Rules of Criminal Procedure. See *Ward v. Hall*, 592 F.3d 1144, 1156 (11th Cir. 2010); *Pruitt v. Jones*, 348 F.3d 1355, 1359 (11th Cir. 2003). In Alabama, a complete round of the established appellate review process includes an appeal to the Alabama

Court of Criminal Appeals, an application for rehearing to that court, and a petition for discretionary review to the Alabama Supreme Court. See *Smith v. Jones*, 256 F.3d 1135, 1140–41 (11th Cir. 2001); see also *Dill v. Holt*, 371 F.3d 1301, 1303 (11th Cir. 2004) (“A complete round of the state appellate process includes discretionary appellate review ‘when that review is part of the ordinary appellate review procedure in the State.’”); *Wrenn v. Toney*, No. 21-13337-E, 2022 WL 966398, at *1 (11th Cir. Feb. 10, 2022) (finding claims procedurally barred because petitioner failed to exhaust claims, as he did not appeal denial of Rule 32 petition); Ala. R. Crim. P. 32.1(f), 32.2(c); Ala. R. App. P. 39, 40. Furthermore, “[f]ederal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face[.]” *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (citing 28 U.S.C. § 2254 Rule 4). The Eleventh Circuit has affirmed such sua sponte dismissals without prejudice for unexhausted habeas petitions. See, e.g., *Esslinger v. Davis*, 44 F.3d 1515, 1524 (11th Cir. 1995). A review of the record confirms the Respondents’ contention that Hines failed to exhaust his habeas claims through one complete round of state court appellate review during his state post-conviction proceedings. Whether viewed as a challenge to the legality of the sentence or the computation of the sentence, the claims were not raised or pursued in state court and thus were not submitted to a complete round of Alabama’s appellate review process—whether by direct review or in a Rule 32 petition and an appeal from the denial of a Rule 32 petition. See *Smith*, 256 F.3d at 1140–41. A review of the record indicates that neither of the claims in Hines’ § 2254 petition were raised in state court. As such, the claims are unexhausted. Further, Hines’ monetary damages claim is not appropriate in a habeas petition. See *Nelson v. Campbell*, 541 U.S. 637, 646 (2004) (“Damages are not an available habeas remedy.”); *Preiser v. Rodriguez*, 411 U.S. 475, 494 (1973) (“In the case of a damages claim, habeas corpus is not an appropriate or available federal remedy.”). Based on a review of Hines’ § 2254 petition and the state court record, Hines has failed to exhaust his state court remedies regarding the claims in his current petition. Hines did not appeal to the Alabama appellate courts or through a post-conviction petition for collateral review under Rule 32 of the Alabama Rules of Criminal Procedure. These are prerequisites to filing a § 2254 petition. Moreover, Hines’ damages claim is legally insufficient on its face. See *McFarland*, 512 U.S. at 856.

CONCLUSION

Accordingly, it is ORDERED that Petitioner Mark Anthony Hines’ Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (doc. 8) is DENIED without an evidentiary hearing and this case is DISMISSED without prejudice for failure to exhaust his state court remedies. Because Petitioner has not “made a substantial showing of the denial of a constitutional right,” a certificate of appealability will not be issued. 28 U.S.C. § 2253. Final judgment will be entered separately. DONE, on this the 8th day of April 2026. R. AUSTIN JR.

CHIEF UNITED STATES DISTRICT JUDGE

