CASE NO. 25-13711

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

DERRICK SINGLETON, et al.,

Plaintiffs-Appellants,

v.

JOHN Q. HAMM, et al.,

Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Alabama, Eastern Division
Case No. 1:24-cv-1081-CLM, Hon. Corey L. Maze

BRIEF OF THE CATO INSTITUTE AS *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLANTS

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December 22, 2025

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Under Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule No. 26.1-1(a)(1), *amicus* certifies that the following persons have an interest in the outcome:

1. Cavedon, Matthew P., counsel for *amicus curiae*
2. Cato Institute, *amicus curiae*
3. Brooking, Kimberly, counsel for *amicus curiae*

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Respectfully submitted,

Dated: December 22, 2025

/s/ Matthew P. Cavedon

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INTEREST OF *AMICUS CURIAE*[1]

The Cato Institute is a nonpartisan public policy research foundation founded in 1977 and dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Project on Criminal Justice was founded in 1999 and focuses in particular on the scope of substantive criminal liability, the proper and effective role of police in their communities, the protection of constitutional and statutory safeguards for criminal suspects and defendants, citizen participation in the criminal justice system, and accountability for law enforcement officers.

Cato scholars have published extensive research on overcriminalization and over-detention. *See, e.g.*, Timothy Lynch, *Overcriminalization*, *in* CATO HANDBOOK FOR POLICYMAKERS 193–99 (8th ed. 2017).[2] Cato has also filed many *amicus curiae* briefs about criminal justice reform and the constitutional rights of prisoners. *See, e.g.*, *Hewitt v. United States*, 606 U.S. 419 (2025); *Taylor v. Riojas*, 592 U.S. 7 (2020); *Ashaheed v. Currington*, 7 F.4th 1236 (10th Cir. 2021). This case interests Cato because it concerns the correct interpretation of 42 U.S.C. § 1983 and the recourse available to constitutional litigants.

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[1] Fed. R. App. P. 29 Statement: No counsel for either party authored this brief in any part. No person or entity other than *amicus* made a monetary contribution to its preparation or submission. All parties have consented to the filing of this brief.

[2] Available at https://tinyurl.com/4v9xzajm.

STATEMENT OF THE ISSUES

1) Whether the *Heck* doctrine requires that Plaintiffs' claims concerning Defendants' over-detention of Plaintiffs beyond the end of their prison sentences must be brought through a petition for a writ of habeas corpus, even though, as the district court acknowledged, Plaintiffs "are not challenging the 'validity of their convictions or sentences,'" and Plaintiffs were not in custody when they brought suit. Doc. 46 at 11.

2) Whether Plaintiffs have standing to sue Defendants at the Alabama Bureau of Pardons and Paroles for their role in Plaintiffs' over-detention.

INTRODUCTION AND SUMMARY OF ARGUMENT

While the district court correctly observed that "Plaintiffs are not challenging the 'validity of their convictions or sentences," it wrongly concluded that this "doesn't matter." *Singleton v. Hamm*, No. 1:24-cv-1081-CLM, 2025 U.S. Dist. LEXIS 185794, at *17 (N.D. Ala. Sept. 22, 2025) (citation omitted). Respectfully, that is the *only* fact that matters for purposes of the *Heck* bar. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994) ("[I]f the district court determines that the plaintiff's action, even if successful, will *not* demonstrate the invalidity of any outstanding criminal judgment against the plaintiff, the action should be allowed to proceed . . . ."). And it is why this Court should revive the suit brought by Deandra Whitehead—who was

incarcerated unlawfully for over four months, including Christmas—and her fellow Plaintiffs. *Singleton*, 2025 U.S. Dist. LEXIS 185794, at *4.

America incarcerates almost a quarter of all the prisoners in the world despite being home to less than five percent of its population.[3] The rate of incarceration in the United States has increased almost sixfold in the last half-century.[4] As a result, prisons are understaffed and overcrowded.[5] This problem is particularly acute in Alabama, which was recently found to have the most overcrowded prison system in the country. *Alabama Has Most Overcrowded Prisons in the Nation*, EQUAL JUST. INITIATIVE (Aug. 27, 2019).[6]

To mitigate excessive imprisonment, Alabama enacted its Mandatory Release Law in 2015. *Singleton*, 2025 U.S. Dist. LEXIS 185794, at *3. The law requires the Department of Corrections to release incarcerated Alabamians to the Board of Pardons and Paroles at specified times before their release date. *Id.* at *3–5; ALA. CODE § 15-22-26.2(a)(1)–(3). The Board then converts the remainder of their sentences to parole. *Singleton*, 2025 U.S. Dist. LEXIS 185794, at *3.

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[3] Lincoln Caplan, *The Supreme Court and Mass Incarceration*, HARVARD MAGAZINE (Feb. 10, 2025), https://tinyurl.com/3azc22k2.

[4] *Id.*

[5] Meg Anderson, *The prison population is going up as prisons struggle with staffing and overpopulation*, NPR (Jan. 10, 2025), https://tinyurl.com/ybn2b3cf.

[6] Available at https://tinyurl.com/57s8r7sp.

In spite of this law, Defendants have over-detained thousands of people. Appellants' Br. at 11. Defendants have over-detained approximately 26% of those released to community supervision. *Id.* at 16. They have also denied mandatory release to 2,067 people. *Id.* At least six individuals have died trapped in prison after their mandatory release dates passed. *Id.* at *17.

The Plaintiffs allege that they are among those whom Defendants over-detained. *Id.* at *6–8. Plaintiffs Derrick Singleton, Ray Traylor, and Ms. Whitehead allege that they were imprisoned unlawfully for 61 days, 2 days, and 124 days, respectively. *Id.* at *4. They sought relief under 42 U.S.C. § 1983. *Id.* at *8–9. The district court dismissed their suit, holding it barred by *Heck*, and they now appeal. *Id.* at *10.

This Court should reverse. Section 1983 was enacted to ensure accountability for rights violations. *Heck* bars only those § 1983 actions that would invalidate a defendant's conviction or sentence, so it is inapplicable here. Further, because the Plaintiffs are not in custody, they have no habeas remedies—so they can seek redress under § 1983, *Heck* notwithstanding.

ARGUMENT

I. SECTION 1983 WAS ENACTED TO REMEDY CONSTITUTIONAL VIOLATIONS.

Section 1983, originally enacted as part of the Civil Rights Act of 1871, was a cornerstone of the federal government's strategy for protecting constitutional rights

against state deprivations. Ku Klux Klan Act of 1871, ch. 22, 17 Stat. 13 (1871). President Grant urged Congress to pass the Act in light of a "condition of affairs" in Southern states "rendering life and property insecure." CONG. GLOBE, 42d Cong., 1st Sess. 244 (1871). Specifically, even as Ku Klux Klan terror imperiled Freedmen's rights, judicial remedies remained out of reach: "Justice closes the door of her temples." *Id.* at 505. The Act, ratified less than a month after President Grant requested its enactment, sought to open that door wide.[7] It opened federal courts to civil rights claims out of concern that due to "prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced" and constitutional rights would be nullified. *Monroe v. Pape*, 365 U.S. 167, 180 (1961).[8]

Section 1983 made federal courts the guarantors of relief "to all people where, under color of State law, they or any of them may be deprived of rights to which they are entitled under the Constitution." CONG. GLOBE, 42d Cong., 1st Sess. app. 68 (1871). The Supreme Court has consistently affirmed the law's expansive reach. *See, e.g.*, *Gomez v. Toledo*, 446 U.S. 635, 639 (1980) ("As remedial legislation, § 1983 is to be construed generously to further its primary purpose."); *Monell v. Dep't of Soc. Servs.,* 436 U.S. 658, 700–01 (1978) ("[T]here can be no doubt that [§ 1983] was

[7] Todd E. Pettys, *The Intended Relationship Between Administrative Regulations and Section 1983's "Laws,"* 67 GEO. WASH. L. REV. 51, 56 (1998).

[8] *Overruled on other grounds by* Monell v. Dep't of Soc. Servs., 436 U.S. 658, 663 (1978).

intended to provide a remedy, to be broadly construed, against all forms of official violation of federally protected rights.").

Heck should not be understood as reinstalling the bar to Justice's temples that § 1983 emphatically removed. That decision merely clarified the interaction of § 1983 and the federal habeas statute and it is properly understood only within the context of § 1983's critical importance.

II. *HECK* DOES NOT BAR THE PLAINTIFFS' OVER-DETENTION CLAIMS.

Heck barred § 1983 actions that challenge a defendant's sentence or conviction in order "to avoid collisions at the intersection of habeas and § 1983." *Heck*, 512 U.S. at 498 (Souter, J., concurring in the judgment). It does not bar § 1983 over-detention claims that do not challenge a final judgment or verdict, nor does it apply when defendants are no longer in custody and so lack access to habeas relief.

A. The *Heck* bar does not apply to plaintiffs who are not challenging their convictions or sentences.

Heck blocks only those § 1983 claims that seek to evade habeas exhaustion requirements. Even before *Heck,* § 1983 could not be used to collaterally attack a conviction. For example, in *Preiser v. Rodriguez*, the respondents alleged that they were deprived of good-conduct-time credits and sought release from prison using § 1983. 411 U.S. 475, 476–77 (1973). The Supreme Court held that this was an impermissible attempt to escape habeas exhaustion requirements. *Id*. at 489–90.

Habeas, with all its procedural hurdles, is the vehicle Congress designed for attacks on conviction and punishment. *See Edwards v. Balisok*, 520 U.S. 641, 647 (1997). By contrast, § 1983 is the path Congress marked out for pursuing damages claims that don't necessarily imply a previous conviction is unlawful. *See Preiser*, 411 U.S. at 494; *Wilkinson v. Dotson*, 544 U.S. 74, 81 (2005).

Heck reflects this statutory division of labor. "The purpose . . . is to avoid a situation where a plaintiff's successful challenge to events connected with his conviction or sentence in a § 1983 action could result in 'two conflicting resolutions,'" one invalidating a judgment against him or her and the other confirming it. *Herrera v. Agents of Pa. Bd. of Prob. & Parole*, 132 F.4th 248, 256–57 (3d Cir. 2025) (quoting *Heck*, 512 U.S. at 484 (citation omitted)). As this Court has held, *Heck* bars a § 1983 claim "if the adjudication of the civil action in the plaintiff's favor would necessarily imply that his . . . sentence was invalid unless the plaintiff can demonstrate that the . . . sentence has already been invalidated." *Morrow v. Fed. BOP*, 610 F.3d 1271, 1272 (11th Cir. 2010).

Here, the district court correctly observed that "Plaintiffs are not challenging the 'validity of their convictions or sentences.'" *Singleton*, 2025 U.S. Dist. LEXIS 185794, at *17 (citation omitted). But it then wrongly held that this "doesn't matter." *Id.* This conclusion contradicts *Heck* itself as well as cases applying it. *Heck*, 512 U.S. at 487 ("[I]f the district court determines that the plaintiff's action, even if

successful, will *not* demonstrate the invalidity of any outstanding criminal judgment against the plaintiff, the action should be allowed to proceed . . . ."); *see also Wilkinson*, 544 U.S. at 81 ("[H]abeas remedies do not displace § 1983 actions where success in the civil rights suit would not necessarily vitiate the legality of (not previously invalidated) state confinement."); *McNeal v. LeBlanc*, 90 F.4th 425, 431 (5th Cir. 2024) (per curiam) (". . . *Heck* is no bar where success on a § 1983 claim is based on the period a prisoner was held beyond his original sentence because it would not invalidate the conviction or its attendant sentence.") (internal quotation marks, brackets, and citation omitted); *Herrera*, 132 F.4th at 253 (". . . *Heck* does not apply to a plaintiff's over-detention claim that, if successful, would not imply that his conviction or sentence were invalid . . . ."). The Plaintiffs are not challenging the validity of their convictions or sentences. Rather, they are asking the federal courts to confirm the legal effects of their sentences and so correct their parole dates. *Heck* does not bar this kind of claim.

B. The *Heck* bar does not apply to non-custodial plaintiffs, who cannot access habeas.

Heck further lacks bearing here because habeas is unavailable to non-custodial plaintiffs, meaning the statutory tension between habeas and § 1983 that drives *Heck* is absent. Only prisoners currently held "in custody" can seek habeas relief, as "the traditional function of the writ is to secure release from illegal custody." 28 U.S.C. § 2241(c)(3); *Preiser*, 411 U.S. at 484. Section 1983 affords different remedies:

damages and equitable relief. 42 U.S.C. § 1983; *see Harris v. McSwain*, 417 Fed. App'x 594, 595 (8th Cir. 2011) (per curiam).

The Plaintiffs here are not in custody, so they cannot pursue habeas relief. *See, e.g.*, *Morrow*, 610 F.3d at 1274 (Anderson, J., concurring specially). In fact, one of the Plaintiffs, Mr. Traylor, was over-detained for just two days—perhaps an eternity from the perspective of a man awaiting freedom, but also far too little time to seek and secure habeas relief. *See id.* at 1272 (majority op.) (holding that *Heck* did not bar a claim for damages where "the alleged length of unlawful imprisonment—10 days—is obviously of a duration that a petition for habeas relief could not have been filed and granted while Plaintiff was unlawfully in custody").

The Plaintiffs' claims do not set habeas and § 1983 on a collision course, as only the latter lane is open to them. *See Spencer v. Kemna*, 523 U.S. 1, 21 (1998) (Ginsburg, J., concurring) ("Individuals without recourse to the habeas statute because they are not 'in custody' (people . . . whose sentences have been fully served, for example) fit within § 1983's 'broad reach.'"). Accordingly, as this Court and other circuit courts have held, *Heck* does not bar their claims. *See Morrow*, 610 F.3d at 1272 (holding that *Heck* did not bar a damages claim a plaintiff brought after completing his allegedly illegal incarceration); *see also Harris*, 417 Fed. App'x at 595 (holding that a damages claim was available to a plaintiff who "alleged the custody in question had ended"); *Hicks v. LeBlanc*, 81 F.4th 497, 506–10 (5th Cir.

2023) (holding that a § 1983 overdetention claim was not barred by *Heck*); *Nonnette v. Small*, 316 F.3d 872, 876 (9th Cir. 2002) (holding that "the unavailability of a remedy in habeas corpus because of mootness" meant the plaintiff could bring a § 1983 action); *Huang v. Johnson*, 251 F.3d 65, 75 (2d Cir. 2001) (permitting a § 1983 claim challenging a sentence's duration because the inmate "has long since been released"); *cf. Harden v. Pataki*, 320 F.3d 1289, 1299 (11th Cir. 2003) ("[B]ecause federal habeas corpus is not available to a person extradited in violation of his or her federally protected rights . . . § 1983 must be."). "Quite simply, . . . a habeas ineligible former prisoner seeking redress for denial of his most precious right—freedom—should [not] be left without access to a federal court." *Wilson v. Johnson*, 535 F.3d 262, 268 (4th Cir. 2008).

These authorities follow Justice Souter's concurring opinion in *Heck*. He observed that prisoners who discover a constitutional violation after their release, or are imprisoned for only a short period, would be denied a federal forum if they "were required to show the prior invalidation of their convictions or sentences in order to obtain § 1983 damages." *Heck*, 512 U.S. at 500 (Souter, J., concurring in the judgment). This would be "hard indeed to reconcile either with the purpose of § 1983" or its origins in the Civil Rights Act of 1871, "enacted in part out of concern" about state courts' complicity in violating federally guaranteed rights. *Id.* at 502 (internal quotation marks and citation omitted). In *Spencer*, Justice Souter reaffirmed

that "a former prisoner, no longer 'in custody'" and so unable to pursue habeas relief, "may bring a § 1983 action." 523 U.S. at 21 (Souter, J., concurring). Justice Souter's view has proven highly influential. *See Harden*, 320 F.3d at 1299; *Powers v. Hamilton Cnty. Pub. Def. Comm'n*, 501 F.3d 592, 602–03 (6th Cir. 2007) (citing this Court's *Harden* decision, and Second and Ninth Circuit precedent, in endorsing Justice Souter's reasoning); *Wilson*, 535 F.3d at 267 (noting that "five circuits have held that the *Spencer* plurality's view allows a plaintiff to obtain relief under § 1983" when habeas is unavailable).

Interpreting *Heck* to foreclose § 1983 over-detention claims would endanger personal liberty and the rule of law. Prisoners' ability to vindicate their constitutional rights would depend on whether a court heard and granted their habeas petitions before they were released—making access to federal relief dependent on the vicissitudes of judicial administration. *See Morrow*, 610 F.3d at 1272 (noting that habeas relief was unavailable to the plaintiff because he was unlawfully imprisoned for just ten days); Marc D. Falkoff, *The Hidden Costs of Habeas Delay*, 83 U. COLO. L. REV. 339, 380–81 (2012) (finding, out of all state prisoner habeas petitions that appeared on federal district courts' dockets from 1996 to 2008, that "fully 39.4% of petitions required at least one year for decision").[9]

[9] Available at https://tinyurl.com/mtceydm6.

Some prisoners, like John Michael Beames, have died in prison before their habeas petitions were resolved. *Beames v. Davis*, No. 1:10-cv-01429-DAD, 2020 U.S. Dist. LEXIS 178383, at *3 (E.D. Cal. Sept. 26, 2020) (dismissing habeas petition nine years after filing "as having been rendered moot by petitioner's death"). Another, Floyd Batten, was convicted in 1984 of second-degree murder and filed a habeas petition in 1997, but languished in prison until it was finally granted in 2003. *Batten v. Griener*, Nos. 97-CV-2378, 03-MISC-0066, 2003 U.S. Dist. LEXIS 16923, at *1, 8, 53 (E.D.N.Y. Aug. 26, 2003). Court delays have mooted habeas petitions by other prisoners, like Alejandro Perez-Cardenas and Kurtis James VanderMolen, as they were released before their petitions were heard. *Perez-Cardenas v. Sneizek*, No. 4:23-cv-1145, 2025 U.S. Dist. LEXIS 44517, at *1–3 (N.D. Ohio March 12, 2025); *Vandermolen v. Horn*, No. 1:24-cv-1323, 2025 U.S. Dist. LEXIS 1567, at *1–2 (W.D. Mich. Jan. 6, 2025).

The district court here suggested, "Each of [the Plaintiffs] could have sought immediate release by bringing a habeas action in state court." *Singleton*, 2025 U.S. Dist. LEXIS 185794, at *11. That is fanciful: the average time to resolve a simple habeas corpus case raising a single claim is 203 days. Nancy J. King et al., FINAL TECHNICAL REPORT: HABEAS LITIGATION IN U.S. DISTRICT COURTS 56 (2007) (reviewing habeas corpus cases filed by state prisoners in federal district courts); *see Hicks*, 81 F.4th at 509–10 ("The habeas process can take months, all the while the

state can defeat a favorable outcome for the plaintiffs by releasing the prisoners during the pendency of the habeas proceedings, as doing so would leave the prisoner without a cognizable § 1983 claim."). Even if the Plaintiffs had sought habeas remedies, their cases would likely have been mooted before being resolved and they would be in the same position they are in now. *See, e.g.*, *Miller v. Wilson*, No. 1:25-cv-01238-JMS-KMB, 2025 U.S. Dist. LEXIS 204907, at *5 (S.D. Ind. 2025) (holding Petitioner could not use habeas "because his 'custody' was not affected"). The Plaintiffs deserve justice, and § 1983 exists to secure it for them. *See Nonnette*, 316 F.3d at 874–76 (permitting a § 1983 claim because the plaintiff "was released from the incarceration," so "his petition for habeas corpus would have to be dismissed as moot.").

CONCLUSION

Overextending *Heck* would leave over-detention—a serious, widespread issue—immunized from federal judicial review.[10] "[W]here a specific duty is assigned by law, and individual rights depend upon the performance of that duty, . . .

[10] Sarya Baladi, Note, *Liberty on Hold: The Constitutional Test and Source for Overdetention Claims*, 93 FORDHAM L. REV. 657, 660–61 (2024); *see* Erik Ortiz, *Despite First Step Act, some federal inmates remain in prison extra months*, NBC NEWS (June 1, 2024, 7:00 AM), https://tinyurl.com/s2pnfv3t; Ruben Castaneda, *Hearing scheduled in Baltimore jail overdetention lawsuit*, FOX 45 NEWS (Oct. 23, 2025, 8:41 PM), https://tinyurl.com/37pytkf2; Kanishka Singh, *U.S. finds Louisiana deliberately kept inmates past release date*, REUTERS (Jan. 25, 2023), https://tinyurl.com/p5bsy97d.

the individual who considers himself injured, has a right to resort to the laws of his country for a remedy." *Marbury v. Madison*, 5 U.S. 137, 166 (1803). Section 1983 opened the doors of Justice's temples to Americans whose rights are violated by their state governments. The Plaintiffs allege that Alabama kept them locked behind bars without a lawful basis. *Heck*, a narrow decision ironing out the intersection of habeas and § 1983, does not slam shut the courthouse doors to claims like theirs. This Court should reverse the decision below.

Respectfully submitted,

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Dated: December 22, 2025

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) because it contains 3,283 words, excluding the parts exempted by Fed. R. App. P. 32(f).
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/s/ Matthew P. Cavedon

Dated: December 22, 2025 *Counsel for Amicus Curiae*

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on December 22, 2025, he electronically filed the foregoing *amicus curiae* brief with the Clerk of the Court for the Eleventh Circuit using the CM/ECF system. The undersigned also certifies that all participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Matthew P. Cavedon

Dated: December 22, 2025 *Counsel for Amicus Curiae*