No. 25-13711

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

DERRICK SINGLETON, RAY TRAYLOR, and DEANDRA WHITEHEAD, on behalf of themselves and all similarly situated individuals,

Plaintiffs-Appellants,

v.

JOHN Q. HAMM, et al., in their individual capacities,

Defendants-Appellees.

Appeal from the U.S. District Court for the Northern District of Alabama
No. 1:24-cv-01081 (Hon. Corey L. Maze)

BRIEF FOR RIGHTS BEHIND BARS AS *AMICUS CURIAE* SUPPORTING PLAINTIFFS-APPELLANTS AND URGING REVERSAL

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Case No.: 25-13711

Derrick Singleton, et al. v. John Q. Hamm, et al

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, the undersigned hereby certifies the following list of trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that may have an interest in the outcome of this appeal:

Alabama Bureau of Pardons and Paroles, Interested Party;

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Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1, *Amicus Curiae* Rights Behind Bars does not have any parent corporation nor any publicly held corporation that owns 10% or more of its stock. Pursuant to

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Eleventh Circuit Rule 26.1-3, the undersigned further certifies that no publicly traded company or corporation has an interest in the outcome of the case or appeal.

Dated: December 23, 2025

/s/ Joseph R. Landry
Joseph R. Landry

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INTEREST OF THE *AMICUS CURIAE*[1]

Rights Behind Bars (RBB) is a non-profit legal advocacy organization working alongside incarcerated people to challenge the cruel and inhumane conditions of confinement. RBB pairs innovative trial litigation with public advocacy, education, media, and organizing strategies to ensure that prisons and jails are held accountable for failing to treat incarcerated individuals with the dignity the law requires. RBB has extensive experience with Louisiana's over-detention crisis, including litigating civil-rights claims on behalf of those who have been unlawfully detained in Louisiana's prisons beyond their release dates. *See, e.g.*, *Parker v. LeBlanc*, 73 F.4th 400 (5th Cir. 2023).

RBB files this brief to bring to the Court's attention lessons learned from the life cycle of over-detention cases in the Fifth Circuit, including how civil-rights litigation under 42 U.S.C. § 1983 has been indispensable in finally prompting long-delayed reforms. RBB further seeks to highlight the well-reasoned and important Fifth Circuit cases holding that § 1983 over-detention claims are not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). RBB submits that this context shows the proper and essential role of § 1983 litigation in remedying over-detention more generally,

[1] All parties have consented to the filing of this brief. *See* Fed. R. App. P. 29(a)(2). No counsel for a party authored this brief in whole or in part. No party, no counsel for a party, and no person other than *amicus curiae*, its members, and its counsel made a monetary contribution to fund the preparation or submission of this brief.

whether in Eleventh Circuit states like Alabama or across the country.

STATEMENT OF ISSUES[2]

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

When a state imprisons people beyond their sentences, it not only violates their constitutional rights but permanently robs them of time with their loved ones—births, deaths, graduations, holidays. Over-detention's costs are as painfully clear as the practice's illegality. Yet in some states, such as Louisiana, over-detention became par for the course. At one point, more than *one in four people* released from custody in Louisiana were released *after* their sentence-imposed release date.

Louisiana officials knew of this problem for years but let it continue

[2] Given RBB's expertise litigating the impact of the *Heck* doctrine on over-detention cases in the Fifth Circuit, RBB focuses on the first of the two issues in this case.

nevertheless. No amount of attention or media coverage about the issue prompted the State to even begin fixing its over-detention crisis. That is, until those who had been unlawfully over-detained started filing § 1983 damages suits to vindicate their rights. After years of inaction, Louisiana officials responded to these suits by finally starting to take basic steps to release people on the dates their sentences require.

Section 1983 is a vital instrument for vindicating the rights of those who have been unlawfully over-detained. But by extending *Heck v. Humphrey*, 512 U.S. 477 (1994), to the over-detention context, the decision below sidelines § 1983 as a mechanism for redressing over-detention. That holding is wrong. *Heck* commands the dismissal of § 1983 claims where "a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence." *Id.* at 487. But it does not bar claims that challenge detention as *violating* the terms of a sentence. In a series of § 1983 cases challenging over-detention in Louisiana, the Fifth Circuit has held just that: *Heck* has no role to play when, as in this case, § 1983 claims do nothing to imply the invalidity of plaintiffs' convictions or sentences. *See, e.g.*, *Hicks v. LeBlanc*, 81 F.4th 497, 506 (5th Cir. 2023). Plaintiffs challenging over-detention are doing the precise opposite of challenging their convictions or sentences: they are seeking to *uphold* them. *Id.* The Fifth Circuit is right.

Erring on this question (as the district court did) would be far worse than an academic blunder. Extending *Heck* here would leave those who have been

unlawfully over-detained without meaningful recourse under § 1983. And experience shows that little else beyond § 1983 damages liability stands in the way of those who—despite clear warnings—have allowed over-detention to become "endemic" in states like Louisiana. *Hicks*, 81 F.4th at 510. Procedural hurdles, time delays, relatively narrow injunctive-only relief, and the ability to evade review all render habeas a toothless mechanism for preventing over-detention.

Shelving § 1983 in this context will not advance the concerns underlying *Heck*. It will, however, enable state officials to "continue to detain prisoners for months past the expiration of their duly imposed sentences without consequence under the federal Constitution." *Hicks*, 81 F.4th at 510. This Court should follow the Fifth Circuit's persuasive reasoning and reverse the judgment below.

ARGUMENT

I. Louisiana's over-detention history shows why § 1983 is essential to remedying this form of constitutional violation.

A. Louisiana's over-detention crisis became endemic.

Imprisoning people beyond their sentences might seem so obviously illegal that it could occur only in rare but unfortunate circumstances. As the Fifth Circuit put it: "Clear as day, the government cannot hold an inmate without the legal authority to do so, for that would 'deprive' a person of his 'liberty . . . without due process of law.'" *Hicks*, 81 F.4th at 504 (quoting U.S. Const. amend. XIV, § 1). For more than a decade, however, Louisiana regularly over-detained people—in some

cases holding them in prison for many months and even years beyond their sentence-imposed release dates.[3] One need not take our word for it. Two years ago, the Fifth Circuit described the over-detention problem as "*endemic* in Louisiana, where the process for calculating release dates is so flawed (to put it kindly) that roughly one in four inmates released will have been locked up past their release dates—for a collective total of 3,000-plus years." *Id.* at 510 (emphasis added).[4]

The numbers alone paint a dark picture. A 2023 report from the United States Department of Justice ("DOJ Report") examined data from 4,135 people released from custody by the Louisiana Department of Public Safety and Corrections ("Department of Corrections") between January and April 2022. *See Humphrey v. LeBlanc*, No. 20-233, 2025 WL 2694604, at *18-19 (M.D. La. Sept. 22, 2025) (citing DOJ Report at 3).[5] The DOJ Report found that 26.8 percent of those released during

[3] Louisiana is not alone. New York City and Mississippi, among other places, have systemic delays in releasing inmates. Glenn Thrush, *Some Prisoners Remain Behind Bars in Louisiana Despite Being Deemed Free*, N.Y. Times (Dec. 11, 2022), https://www.nytimes.com/2022/12/11/us/politics/louisiana-prison-overdetention.html ("*Prisoners Remain Behind Bars*").

[4] The Fifth Circuit cited several of the articles that have spotlighted Louisiana's over-detention problem. *See Hicks*, 81 F.4th at 510 n.79 (citing Mariah Timms, *Louisiana Prisons Hold Inmates Past Their Release Dates, Justice Department Finds*, Wall St. J. (Jan. 25, 2023); Kanishka Singh, *U.S. Finds Louisiana Deliberately Kept Inmates Past Release Date*, Reuters (Jan. 25, 2023); Lea Skene & Jacqueline DeRoberts, *State Corrections Over-detention Woes, Known Since 2012, Cost State Millions, Lawyer Alleges*, The Advocate (Feb. 6, 2020)).

[5] The DOJ Report is available on the docket in *Humphrey*, No. 20-233 (M.D. La.), at Doc. No. 158-1. It is also available online. *See* U.S. Dep't of Justice, *Investigation*

that period were held beyond their sentences. *Id.* at *19 (citing DOJ Report at 3-4). Many were over-detained for lengthy periods: 31 percent of those over-detained were held for at least 60 days beyond their release dates, and 24 percent were over-detained for 90 days or more. *Id.* at *19 (citing DOJ Report at 3-4).

Beyond the data, over-detention imposes devastating costs on the lives it affects. People sit in prison with no basis for their continued incarceration while they miss a child's graduation, a grandchild's birth, and even a parent's death. *See* Victoria Law, *"Will I Get Out Today?"* The Appeal (Sept. 26, 2018), https://theappeal.org/louisiana-overdetention-sentencing/. Waiting for their release dates to arrive—only to pass right by as the cell doors close once again—is painful. Johnny Traweek, who was over-detained for weeks after a seven-month sentence, explained, "It's a bad, bad feeling . . . Every day, I'm getting up and thinking I'm going to get out. And it doesn't happen. I knew I wasn't in there for any charge, and still I have to sit there." *Prisoners Remain Behind Bars*, *supra*, p. 6.

B. Louisiana has long known of its over-detention problem.

Though shocking to those on the outside, the endemic nature of Louisiana's over-detention problem was not news to Louisiana officials, who have long known of the problem's magnitude, costs, and causes.

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of the Louisiana Department of Public Safety and Corrections (Jan. 2023), https://www.justice.gov/archives/opa/press-release/file/1564036/dl?inline=.

More than ten years before the DOJ Report, a 2012 state audit revealed the depths of Louisiana's over-detention crisis. It exposed that Louisiana was holding inmates on average 71.69 days past their release dates. *See McNeal v. LeBlanc*, 90 F. 4th 425, 429 (5th Cir.), *reh'g denied*, 93 F. 4th 840 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 266 (2024). Annually the State was over-detaining well over two-thousand prisoners. *See Crittindon v. LeBlanc*, 37 F.4th 177, 187 (5th Cir. 2022), *reh'g denied*, 58 F.4th 844 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 90 (2023).

This over-detention resulted from readily apparent deficiencies in Louisiana's processes for calculating release dates. Those processes were antiquated on their face—characterized by manual data entry and physical document transfer, with needless roadblocks at every step. They went as follows: Local sheriffs would send a packet of documents (called a Pre-Class Packet) to the Department of Corrections for calculation of a release date and facilitation of the release. Sheriffs took a long time to send the packets, most mailed them by hand, and many (over half) of the packets were deficient, often requiring their return. *See Humphrey*, 2025 WL 2694604, at *4-5; *Humphrey* Tr. 14-15, 18-19, 135-40.[6] No uniform procedure governed this process or established a timeline for completion. *See Humphrey* Tr.

[6] As used in this brief, "*Humphrey* Tr." refers to the transcript of the October 19, 2023 class-certification hearing in *Humphrey v. Leblanc*, No. 20-233 (M.D. La.), which is available on the docket in that case at Doc. No. 212. Cited testimony includes that of then-Secretary of the Louisiana Department of Corrections James LeBlanc and the Department's then-Undersecretary Thomas Bickham.

19-20. Once the Department of Corrections obtained a proper packet, it proceeded to hand calculate (literally pencil and paper) tentative release dates, manually input information into its internal system, and then manually calculate release dates again—all before even *starting* the release process. *Id.* at 140-44.[7]

This archaic system caused predictable delay. The 2012 audit revealed that "on average, it took 110 days to determine a prisoner's release date after his conviction," with "approximately 31 days" just to transmit the Pre-Class Packet to the Department of Corrections. *Crittindon*, 37 F.4th at 187 (quoting audit). And the audit uncovered that 83.44% of the time the State completed processing a release-date calculation, that inmate was eligible for "immediate release upon processing 'due to an earlier release date.'" *Id.* at 191 (quoting 2012 audit). That is, it took so long for the Department of Corrections to calculate most prisoners' release dates that by the time it finished the process, those release dates were a matter of history.

Long after the 2012 audit, further audits confirmed that the over-detention problems identified in 2012 were continuing unabated. A 2017 legislative audit documented the Department of Corrections' continued "problems calculating and

[7] Louisiana's Division of Probation and Parole is housed within the Department of Corrections. *See About the Agency*, Department of Public Safety and Corrections, https://doc.la.gov/about-the-dpsc/ (last visited Dec. 22, 2025). Probation and Parole staff are involved in the release process at both the front end (in calculating parole eligibility) and back end (in processing the release after the Department issues a release certificate). *See* DOJ Report at 6. As used herein, "Department of Corrections" encompasses all of the Department's staff, including parole staff.

processing prisoners' release dates." *McNeal*, 90 F.4th at 430 (summarizing plaintiffs' evidence). The Department of Corrections then "itself conducted an internal review, which 'confirmed that the pattern of over-detention it learned about [from the audit] in 2012 . . . was ongoing.'" *Id.* (quoting 2017 audit). The Department of Corrections admitted as much in a 2017 grant application where it confirmed that it still "had an average of 200 cases per month considered an 'immediate release' due to [processing] deficiencies." *Id.* (alteration in opinion).

These deficiencies were routine, expected, and tolerated. As the DOJ Report found, families who contacted a Department of Corrections information line in 2019 were "told that the timeframe for the completion of time computations was approximately four and a half months *after* sentencing." DOJ Report at 17 (emphasis in original). Families were not even referred to a grievance process to lodge over-detention complaints until that time had passed. *Id.* So, for someone entitled to immediate release upon sentencing, the Department of Corrections was effectively telling their family that it did not even want to hear about the issue until that person had already been *over-detained for four and a half months*. *Id.*

Knowledge of the problem reached the highest levels in the State. In a 2018 op-ed, then-Attorney-General Jeff Landry and U.S. Senator John Kennedy described Louisiana's corrections system as plagued by "a layer of incompetence so deep that the Corrections Department doesn't know where a prisoner is on any given day of

the week or when he should actually be released from prison." *McNeal*, 90 F.4th at 430; *see also* John Kennedy & Jeff Landry, *Criminal Justice Reform Actually Hurting Public Safety*, The Advocate (Mar. 8, 2018), bit.ly/4aAFila.

C. Despite this knowledge, Louisiana officials allowed over-detention to continue unabated for over a decade.

Notwithstanding this widespread knowledge of the over-detention crisis, Louisiana allowed the problem to persist over the course of the decade that followed the 2012 audit, leading (predictably) to the still-abysmal 2022 numbers.

Through 2022, the Louisiana Department of Corrections still was not making the timely release of inmates an official priority. *See Humphrey*, 2025 WL 2694604, at *16-17 (summarizing testimony from the Department's Secretary in a § 1983 putative class action). It was dragging its feet despite having "admitted that it could mitigate the problem of inmates being held past the release date by going out and getting the [release] paperwork itself rather than waiting to receive it." *Id.* at *17. The Department's lack of action on over-detention mirrored its lack of prioritization. Though the 2012 audit had identified significant delays resulting from the submission of release-related documents in paper form, Louisiana still had "no written plan to develop" an electronic means of transmission by 2022. *Id.*

Nor did anyone pay a professional price for the Department's systemic over-detention failures. Longtime Louisiana prison system head James LeBlanc confirmed that he "never fired, demoted, penalized, or reprimanded anyone for

holding inmates past their release dates," despite knowing of the information revealed by the 2012 audit and learning about specific over-detained prisoners from multiple officials over his tenure. *McNeal*, 90 F.4th at 430; *accord Humphrey*, 2025 WL 2694604, at *15 (summarizing plaintiffs' evidence). In contrast to the lack of consequences for those responsible for releasing people *later* than their release dates, those who released people too *early* did face discipline. *Humphrey* Tr. 42.

In *Crittindon*, the Fifth Circuit observed that Secretary LeBlanc and other Louisiana officials "ha[d] not pointed to a single effort that any of them took to identify immediate releases more quickly" after they learned about the information from the 2012 audit. 37 F.4th at 187. Even after the audit exposed the delays in processing release paperwork, and after it was "obvious that a failure to address those processing delays would lead to unconstitutional overdetentions," officials sat on the information. *Id.* They did so despite admittedly being "in a position to adopt policies that would address this delay" and reduce over-detention. *Id.*

Lower-level officials exhibited similar indifference and inaction. For example, a prison supervisor admitted knowing that Department of Corrections "staff have discovered approximately one case of over-detention per week for the [prior] nine years," including inmates "sometimes incorrectly incarcerated for periods of up to a year." *Hicks*, 81 F.4th at 506. "Yet she did nothing." *Id.*

Louisiana officials have struggled to explain why they continued to hold so many prisoners past their release dates after learning of this systemic problem. The Fifth Circuit has observed that while that court "remains plagued by claims arising from inexplicable and illegal over-detention in Louisiana prisons, explanations scarcely arise, let alone satisfy scrutiny upon [the Fifth Circuit's] review." *Hicks*, 81 F.4th at 510. Whatever its cause, this inaction made one thing clear: Louisiana officials would not address over-detention *unless* something forced them to act.

D. Nothing meaningfully changed until officials faced a serious monetary-liability threat from § 1983 litigation.

Two things ultimately did force Louisiana to begin addressing over-detention in the past two years: (1) a recently-stayed DOJ lawsuit seeking injunctive relief to remedy systemic over-detention in Louisiana that followed from the findings in the 2023 DOJ Report and investigation; and (2) multiple § 1983 lawsuits in which the victims of over-detention sought justice for the violations of their constitutional rights. The latter came with a monetary-liability threat. Faced with these consequences, Louisiana officials ever so slowly started to take the most basic actions that they could have—and should have—been taking all along.

Section 1983 lawsuits challenging over-detention in Louisiana really started to gain steam in 2022 and 2023. The summer of 2022 brought the Fifth Circuit's decision in *Crittindon*, 37 F.4th at 190, which confirmed that *Heck* does not bar § 1983 suits challenging unconstitutional over-detention. *See infra*, pp. 16-17.

Hicks followed the next year. *See* 81 F.4th at 506. By the time of the 2023 *Hicks* decision, the Fifth Circuit was describing itself as "plagued by claims arising from inexplicable and illegal overdetention in Louisiana prisons." *Id.* at 510.

This "plague[]" of over-detention claims prompted action. After years of putting the development of an electronic transmission portal for release paperwork on the back burner, the Department of Corrections finally made it a priority in 2023. *Humphrey*, 2025 WL 2694604, at *21. Louisiana even dedicated a team to the development of this portal. *Humphrey* Tr. 169, 182-85. Once the State committed even minimal time and resources, it took a mere three-and-a-half months to build the portal. *Humphrey*, 2025 WL 2694604, at *21. This not only enabled electronic transmission of the Pre-Class Packet (the paperwork used to calculate release dates) in the few parishes where the portal was rolled out, but also "established a new system for prioritizing immediate releases using metadata." *Id*.

Louisiana also took other long-delayed action in 2023. It revised its basic jail guidelines to newly include a timeline for local sheriffs' submission of the Pre-Class Packet to the Department of Corrections. *Humphrey*, 2025 WL 2694604, at *17. As a court overseeing one of the major § 1983 over-detention class actions in Louisiana noted, Secretary LeBlanc signed those revised guidelines "a week and a half before the class certification hearing" in that case. *Id.* That timing says it all: Louisiana

officials were racing to do what they had so long dragged their feet in doing, because they were finally facing the prospect of paying a price for their inaction.

Much remains to be done, as Louisiana's over-detention crisis persists. But the changes initiated in 2023 were at least a *start* after years of inaction. Context shows that those changes were not difficult. Once pushed, state officials started to implement them swiftly—"light speed in government time" in the words of then-Undersecretary Bingham of the Department of Corrections. *Humphrey* Tr. 169. But officials needed the push, and § 1983 litigation was doing the pushing.[8]

II. The Fifth Circuit is right: *Heck* does not bar over-detention claims.

A. The Fifth Circuit has properly held that *Heck* does not bar claims challenging detention *beyond* a sentence.

When first faced with pressure from § 1983 lawsuits, Louisiana officials attempted to argue that the claims were barred by *Heck*. But the Fifth Circuit properly rejected this attempt to extend *Heck* to the over-detention context. As that court has recognized, *Heck*'s bar has no legitimate role to play when a § 1983 plaintiff challenges only his continued detention *beyond* the terms of his sentence

[8] As noted *supra*, p. 12, the DOJ lawsuit was also spurring officials to take action during this period. *See, e.g.*, *Humphrey* Tr. 182-85. But any such prompting appears short lived. The United States recently informed the district court overseeing the case that the parties "are engaged in discussions to resolve th[e] case collaboratively" and requested that the case be administratively closed. Joint Status Report, *United States v. Louisiana, et al.*, No. 24-1041 (M.D. La. Dec. 2, 2025), ECF No. 42. The case is currently stayed and administratively closed pending further filings from the parties. *See* Order, *id.*, (M.D. La. Dec. 4, 2025), ECF No. 43.

and thereby seeks to vindicate—rather than invalidate—that sentence.

Start with *Heck* itself. The case sought to address the "potential overlap" between § 1983 and the federal habeas corpus process in 28 U.S.C. § 2254. *Heck*, 512 U.S. at 480. Those two statutes both "provide access to a federal forum for claims of unconstitutional treatment at the hands of state officials, but they differ in their scope and operation." *Id.* For one, "exhaustion of state remedies is *not* a prerequisite to an action under § 1983" as a general matter, but it is for a habeas petition that attacks a sentence or conviction under § 2254. *Id.* at 480-81 (quotations omitted). This creates a tension between § 2254's hurdles for claims challenging a "conviction or sentence" and § 1983's otherwise open doors for claims (including those seeking monetary damages) challenging unconstitutional treatment by state officials. That tension arises "when establishing the basis for the damages claim [under § 1983] necessarily demonstrates the invalidity of the conviction." *Id.* at 481-82. To resolve this conflict, *Heck* drew a line. Courts must ask "whether a judgment in favor of the plaintiff" in a § 1983 claim "would necessarily imply the invalidity of his conviction or sentence." *Id.* at 487. If yes, then it is *Heck*-barred. But if "the plaintiff's action, even if successful, will *not* demonstrate the invalidity of any outstanding judgment against the plaintiff, the action should be allowed to proceed, in the absence of some other bar to the suit." *Id.* (emphasis in original). In that circumstance, § 1983's remedies and mechanisms remain available to the plaintiff

to challenge his or her unconstitutional treatment by state officials. *Id.*

Over-detention claims fall squarely in the latter camp, as the Fifth Circuit has correctly held and repeatedly confirmed. The Fifth Circuit first addressed *Heck*'s application to § 1983 over-detention claims in *Crittindon*, 37 F.4th at 190. Responding to a contention from the dissent that *Heck* applied (despite the defendants' failure to even raise a *Heck* defense), the *Crittindon* majority held that "*Heck* does not bar this suit," because "[t]he *Heck* defense 'is not . . . implicated by a prisoner's challenge that threatens no consequence for his conviction or the duration of his sentence.'" *Id.* (quoting *Muhammad v. Close*, 540 U.S. 749, 751 (2004), and *Bourne v. Gunnels*, 921 F.3d 484, 490-91 n. 3 (5th Cir. 2019)). Over-detention claims threatened no such consequence, *Crittindon* reasoned, where "the parties agree that Plaintiffs were held in excess of their sentences and Plaintiffs do not challenge their underlying conviction nor the length of their sentences." *Id.*

The Fifth Circuit reaffirmed its holding that *Heck* "is no bar to" over-detention claims in *Hicks*, where defendants raised a *Heck* defense. 81 F.4th at 506-08. Elaborating further on *Crittindon*'s reasoning, the unanimous panel in *Hicks* held that *Heck* does not bar a § 1983 claim in which a plaintiff "merely challenges his over-detention." 81 F.4th at 506. Noting that "Hicks does not challenge the validity of his sentence, merely the *execution* of his release," the Fifth Circuit reasoned that such a plaintiff "seeks to vindicate—not undermine—his sentence." *Id.* If a plaintiff

challenging his over-detention succeeds "based on the period he was held beyond his original sentence, it would not invalidate the conviction or its attendant sentence." *Id.* An over-detention plaintiff "is not challenging the number of days he was supposed to serve, but rather that he was detained longer than the proper sentence." *Id.* at 508. In short: "*Heck* has no place here." *Id.* at 506.

Post-*Hicks*, the Fifth Circuit has continued to reaffirm its holding that *Heck* does not extend to over-detention. *McNeal* reiterated the reasoning from *Crittindon* and *Hicks* and allowed a plaintiff to proceed under § 1983 where he "does not challenge his conviction or attendant sentence, but rather the 41 days he was imprisoned *beyond* his release date." 90 F.4th at 431 (emphasis in original). On multiple occasions, a majority of the active judges on the Fifth Circuit (over dissents) have rejected requests that the court grant *en banc* review to reconsider its precedent declining to extend *Heck* to over-detention claims. *See Crittindon*, 58 F.4th 844 (5th Cir. 2023) (denying rehearing); *McNeal*, 93 F.4th 840 (5th Cir. 2024) (same).

Crittindon, *Hicks*, and *McNeal* are consistent with the concerns that underlie the *Heck* bar. The point of that bar is to channel attacks on convictions and sentences—the core of habeas—into habeas proceedings, and to prevent § 1983 from operating as an end-run around appropriate habeas review. Claims challenging detention beyond the terms of a person's sentence do not in any way imply the invalidity of the underlying conviction or sentence. Thus, they are not barred.

B. Nothing in the decision below justifies extending the *Heck* bar to § 1983 claims challenging over-detention.

The decision below does not provide a sound basis for rejecting the Fifth Circuit's persuasive reasoning and extending *Heck* to over-detention claims.

To start, the district court explicitly acknowledged "that Plaintiffs are not challenging the 'validity of their convictions or sentences.'" Doc. 46 at 11. Strangely, however, it concluded "that doesn't matter." *Id.* Of course it does. Indeed, that is the very question *Heck* directs courts to consider in evaluating whether *Heck* bars a particular § 1983 claim. 512 U.S. at 487 (directing a district court assessing whether a plaintiff's § 1983 claims may proceed to ask whether his claims "would necessarily imply the invalidity of his conviction or sentence").

The district court failed to explain how a favorable judgment for Plaintiffs "would necessarily imply the invalidity of [their] conviction[s] or sentence[s]," *Heck*, 512 U.S. at 487, despite the Fifth Circuit's well-reasoned analysis to the contrary in *Crittindon*, *Hicks*, and *McNeal*. Instead, the district court's conclusion that *Heck* bars over-detention claims follows from a barren application of Judge Oldham's *dissenting* opinion in *Crittindon*, 37 F.4th at 194, which in turn misread two cases: *Preiser v. Rodriguez*, 411 U.S. 475 (1973) and *Edwards v. Balisok*, 520 U.S. 641 (1997). Contrary to what the district court held below, those two cases do not "foreclose Plaintiff's § 1983 claims here." Doc. 46 at 11.

Preiser clearly does not govern because it is limited to injunctive relief in a

distinct context. *Preiser*, which preceded *Heck*, held that a prisoner who "seeks either immediate release from [physical] confinement or the shortening of its duration" must pursue that claim through habeas rather than § 1983. *Preiser*, 411 U.S. at 476-77, 487. That type of suit falls "within the core of habeas corpus in attacking the very duration of their physical confinement itself." *Id.* at 487-88. Thus, a request for an injunction against state officials who denied good-time credits to reduce an inmate's sentence—which if granted "meant their immediate release from physical custody"—could be pursued exclusively through habeas. *Id.* at 487, 489. As the Court made clear, its holding did not reach damages claims. *Id.* at 494. It is thus *Heck*, not *Preiser*, that governs which damages claims are barred. *See Heck*, 512 U.S. at 481 (noting *Preiser*'s holding does not govern damages claims); *supra*, pp. 15-16 (discussing the line *Heck* draws between which damages claims may proceed and which are barred). Nor did *Preiser* address claims regarding the failure to release an inmate following the completion of his prescribed sentence.

Edwards, which followed *Heck*, is equally inapplicable. It held that a prisoner's procedural challenges to his conviction on four prison-infraction counts (which resulted in a prison-imposed "sentence" that eliminated 30 days' good-time credits earned toward the plaintiff's release) was not cognizable under § 1983. *Edwards*, 520 U.S. at 648. Because "[t]he principal procedural defect complained of by [the plaintiff] would, if established, necessarily imply the invalidity of the

deprivation of his good-time credits," the Court held that *Heck* applied. *Id.* at 646. That is, the plaintiff's challenge to his conviction on the prison-infraction charges "could be such as necessarily to imply the invalidity of the judgment." *Id.* at 645.

The district court improperly equated over-detention claims with the attack on the prison-infraction sentence in *Edwards*. But the two are materially distinct. Whereas the plaintiff in *Edwards* challenged his detention pursuant to a state's judgment on the prison infraction charges (thus implying the *invalidity* of that judgment), Plaintiffs here challenge the State's action in detaining them beyond a state's judgment (thus *validating* that judgment). This places the two scenarios on opposite sides of the line *Heck* drew between claims that are barred and those that are not. That is precisely why the Fifth Circuit has rejected state officials' arguments that *Preiser* and *Edwards* support extending *Heck* to over-detention claims. *See Hicks*, 81 F.4th at 509 (holding that over-detention claims are "specifically *beyond* the 'core' of habeas" and thus beyond the reach of *Preiser*, *Heck*, and *Edwards*).[9]

[9] The other Circuits that have faced this question similarly have held that *Heck* does not bar over-detention claims. *See Herrerra v. Agents of Pa. Bd. of Prob. & Parole*, 132 F.4th 248, 257 (3d Cir. 2025) ("*Heck*'s favorable termination requirement does not apply to an overdetention claim that accepts the validity of the maximum sentence imposed but alleges that deliberate indifference delayed the execution of an inmate's release beyond that sentence."); *Harris v. McSwain*, 417 F. App'x 594, 595 (8th Cir. 2011) (*Heck* does not bar a claim that alleges a plaintiff was "detained beyond the date that his lawful sentence had ended"); *see also Courtney v. Butler*, 66 F.4th 1043, 1051 (7th Cir. 2023) (*Heck* does not bar a claim that officials failed to effectuate a prisoner's supervised release as required); Opening Br. 27-28.

Ultimately, *Edwards* just returns us to the question addressed above: Does a claim "necessarily imply the invalidity of his conviction or sentence"? *Heck*, 512 U.S. at 487. Over-detention claims do not, so *Heck* does not apply. *See supra*, pp. 15-16.

This Court's case law is entirely consistent with the Fifth Circuit's approach, as Plaintiffs' brief makes clear. *See* Opening Br. 27-29. In *Morrow*, this Court allowed a former prisoner to proceed with a Federal Tort Claims Act ("FTCA") suit seeking damages for his "allegedly unjustified incarceration beyond the end of his lawful sentence." *Morrow v. Fed. Bureau of Prisons*, 610 F.3d 1271, 1272 (11th Cir. 2010). In so doing, it reversed the district court's determination that the *Heck* bar applied. *Id.* Assuming that *Heck* ever applied to FTCA suits, this Court nonetheless distinguished *Heck* from a context "where Plaintiff is not in custody and where Plaintiff's action—even if decided in his favor—in no way implies the invalidity of his conviction or of the sentence imposed by his conviction." *Id.*[10] Foreshadowing the Fifth Circuit's approach to over-detention claims in the § 1983 context, the Court in *Morrow* observed that the plaintiff did "not attack his sentence, that is, the term of incarceration ordered by the court when he was convicted," but

[10] Plaintiffs make two independent arguments for why the district court erred in applying the *Heck* bar. First, over-detention claims do not imply the invalidity of a conviction or sentence. Opening Br. 22-33. Second, Plaintiffs' claims could not be channeled to habeas (even if some over-detention claims could be) because Plaintiffs were released prior to filing suit. *Id.* at 33-36. While this brief focuses more on the first of these arguments, each is correct and an independent ground for reversal.

instead focused "on the period of supposedly wrongful confinement" *beyond* that sentence. *Id.* For that reason, *Heck* did not bar his claim. *Id.*

The district court ignored *Morrow*. It ignored the Fifth Circuit's persuasive and on-point holdings in *Crittindon*, *Hicks*, and *McNeal*. And it ignored what *Heck* instructs courts to consider in assessing whether its bar applies: Does the plaintiff's claim necessarily imply the invalidity of a conviction or sentence? When those authorities are applied rather than ignored, the correct conclusion is clear: *Heck* poses no bar to over-detention claims that seek only to vindicate a sentence.

III. Extending the *Heck* bar to claims like Plaintiffs' would deprive the victims of over-detention of any meaningful federal remedy.

Beyond making little sense as a matter of law, extending *Heck* to over-detention claims would eliminate the one meaningful check to date against state officials' unconstitutional detention of people beyond their sentences. And while the district court suggested that habeas proceedings could serve as an alternative check, Louisiana's experience shows exactly the opposite.

Start with the fact that habeas makes little sense as a remedy for over-detention. For the same reasons that over-detention claims lie well outside the core of habeas, and are thus not controlled by *Heck*, *see supra*, pp. 14-17, these claims make poor habeas petitions. As Plaintiffs highlight, their "ability to bring a habeas corpus petition pursuant to 28 U.S.C. § 2254—which requires the petitioner to be 'in custody pursuant to the judgment of a State'—ended as soon as their sentences

expired—the same moment when their claims of over-detention began." Opening Br. 30 n.7 (citing *Walker v. Florida*, 345 F. App'x 458, 459 (11th Cir. 2009)). So, directing over-detention claims away from § 1983 and into § 2254 proceedings may simply be sending those claims to a no-man's land, counter to *Heck*'s focus on resolving "the intersection" of Sections 1983 and 2254. *Heck*, 512 U.S. at 480. And even if state or other federal habeas mechanisms were *theoretically* available,[11] habeas is certainly not an available remedy for those who—like Plaintiffs here—were released from prison prior to filing suit. *See Diaz v. State of Fla. Fourth Judicial Circuit ex rel. Duval County*, 683 F.3d 1261, 1264 (11th Cir. 2012) (habeas is unavailable to those not in custody); *see also* Opening Br. 33-36.

Moreover, habeas does not permit damages. *Heck*, 512 U.S. at 482. If a habeas petition succeeds, the remedy is simply that state officials must do what they were already required to do: release the individual petitioner whom they have been unlawfully detaining. That is far from a meaningful stick, as the Louisiana context shows, and it is certainly not the type of remedy that will prompt indifferent state officials to fix the systemic failures causing over-detention. *See supra*, pp. 4-14.

[11] The district court also suggested that Plaintiffs could have brought state habeas corpus petitions or federal petitions under 28 U.S.C. § 2241. That is yet another improper extension of *Heck*. *Heck* interpreted § 1983 in light of its interaction with § 2254 specifically. 512 U.S. at 480. *Heck* does not stand for the proposition that the district court seems to imply, which is that § 1983 ceases to be available to any plaintiff just because he or she has some other possible remedy elsewhere.

Time is yet another problem. As the Fifth Circuit explained in the Louisiana context, someone pursuing habeas relief in Louisiana must first proceed through a state administrative process that can consume up to 90 days *before* the person may even file their habeas petition. *Hicks*, 81 F.4th at 509. Even after that person files their habeas petition, the litigation process can take months. *Id.* That time window would matter significantly if courts were to extend *Heck* to claims challenging over-detention. Anyone released after the release date required by their sentence, but before succeeding on their habeas petition, would be left without a viable claim. This effectively creates a window of time within which officials could unlawfully detain someone beyond the terms of their sentence without any consequence whatsoever. So long as state officials release the person before a court grants their habeas petition, the victim of over-detention would be wholly without remedy.

That relates to a fourth problem: State officials can moot any habeas petition. The Fifth Circuit has observed that—at least according to those who, like Defendants here, would extend *Heck* to over-detention claims—"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." *Hicks*, 81 F.4th at 509-10. Yet again, this would mean that "the state can continue to detain prisoners for months past the expiration of their duly imposed sentences without consequence under the federal Constitution." *Id.* at 510.

All told, Defendants would turn *Heck* into a metaphorical get-out-of-jail-free card for state officials, shielding them from § 1983 liability for their very real-world imprisonment of people beyond the terms of their sentences. The upshot? More people will inevitably sit in prison past—and in some cases, *long* past—their release dates, losing time with their families that they will never get back.

* * *

Like the Fifth Circuit, this Court should reject the attempt by Defendants and other state officials to "utilize[] the filing of state habeas proceedings as a cover for [their] systemic failures" in releasing people on the dates their sentences require. *Hicks*, 81 F.4th 510. Nothing indicates that Congress designed either § 1983 or the federal habeas corpus statute to embrace that counter-intuitive and remedy-stripping result. Nor does anything in *Heck* or the Supreme Court's cases applying it. By refusing to extend *Heck* where it does not belong, this Court can preserve § 1983's proper and essential role as a mechanism for protecting Americans' right to be free from imprisonment by state officials outside the terms of any criminal sentence.

CONCLUSION

This Court should reverse the judgment of the district court.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitations of Federal Rule of Appellate Procedure 29(a)(5) because it contains 6,459 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

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Dated: December 23, 2025

/s/ Joseph R. Landry
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, I electronically filed the foregoing using the Court's CM/ECF system.

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