

03-287 WILKINSON v. DOTSON

Ruling below: CA 6, 329 F.3d 463

QUESTIONS PRESENTED

This petition arises from one of the many cases considering which prisoner claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). *Heck* holds that a prisoner cannot advance a claim under 42 U.S.C. § 1983 where success on that claim would “necessarily imply the invalidity of his conviction or sentence...unless...the conviction or sentence has already been invalidated.” *Id.* at 487. This is *Heck's* so-called “favorable termination requirement.”

The Sixth Circuit concluded below that *Heck's* favorable termination requirement does not cover claims challenging parole procedures because success on those claims would not necessarily guarantee speedier release, but instead would provide only a new parole hearing. This raises the following questions:

1. When a prisoner invokes § 1983 to challenge parole proceedings, does *Heck v. Humphrey's* favorable termination requirement apply where success by the prisoner on the claim would result only in a new parole hearing and not necessarily guarantee earlier release from prison?
2. Does a federal court judgment ordering a new parole hearing “necessarily imply the invalidity of” the decision at the previous parole hearing for purposes of *Heck v. Humphrey*?

CERT. GRANTED: 3/22/04