SUPREME COURT OF THE UNITED STATES

No. 03–287

REGINALD A. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL., PETITIONERS *v.* WILLIAM DWIGHT DOTSON ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[March 7, 2005]

JUSTICE BREYER delivered the opinion of the Court.

Two state prisoners brought an action under 42 U. S. C. §1983 claiming that Ohio's state parole procedures violate the Federal Constitution. The prisoners seek declaratory and injunctive relief. The question before us is whether they may bring such an action under Rev. Stat. §1979, 42 U. S. C. §1983, the Civil Rights Act of 1871, or whether they must instead seek relief exclusively under the federal habeas corpus statutes. We conclude that these actions may be brought under §1983.

I

The two respondents, William Dotson and Rogerico Johnson, are currently serving lengthy terms in Ohio prisons. Dotson began to serve a life sentence in 1981. The parole board rejected his first parole request in 1995; and a parole officer, after reviewing Dotson's records in the year 2000, determined that he should not receive further consideration for parole for at least five more years. In reaching this conclusion about Dotson's parole

eligibility, the officer used parole guidelines first adopted in 1998, after Dotson began to serve his term. Dotson claims that the retroactive application of these new, harsher guidelines to his preguidelines case violates the Constitution's *Ex Post Facto* and Due Process Clauses. He seeks a federal-court declaration to that effect as well as a permanent injunction ordering prison officials to grant him an "immediate parole hearing in accordance with the statutory laws and administrative rules in place when [he] committed his crimes." App. 20 (Dotson Complaint, Prospective Declaratory and Injunctive Relief, ¶ 3).

Johnson began to serve a 10- to 30-year prison term in 1992. The parole board considered and rejected his first parole request in 1999, finding him unsuitable for release. In making this determination, the board applied the new 1998 guidelines. Johnson too claims that the application of these new, harsher guidelines to his preguidelines case violated the Constitution's *Ex Post Facto* Clause. He also alleges that the parole board's proceedings (by having too few members present and by denying him an adequate opportunity to speak) violated the Constitution's Due Process Clause. Johnson's complaint seeks a new parole hearing conducted under constitutionally proper procedures and an injunction ordering the State to comply with constitutional due process and *ex post facto* requirements in the future.

Both prisoners brought §1983 actions in federal court. In each case, the Federal District Court concluded that a §1983 action does not lie and that the prisoner would have to seek relief through a habeas corpus suit. *Dotson* v. *Wilkinson*, No. 3:00 CV 7303 (ND Ohio, Aug. 7, 2000); *Johnson* v. *Ghee*, No. 4:00 CV 1075 (ND Ohio, July 16, 2000). Each prisoner appealed. The Court of Appeals for the Sixth Circuit ultimately consolidated the two appeals and heard both cases en banc. The court found that the actions could proceed under §1983, and it reversed the

lower courts. 329 F. 3d 463, 472 (2003). Ohio parole officials then petitioned for certiorari, and we granted review.

II

This Court has held that a prisoner in state custody cannot use a §1983 action to challenge "the fact or duration of his confinement." *Preiser* v. *Rodriguez,* 411 U. S. 475, 489 (1973); see also *Wolff* v. *McDonnell,* 418 U. S. 539, 554 (1974); *Heck* v. *Humphrey*, 512 U. S. 477, 481 (1994); *Edwards* v. *Balisok*, 520 U. S. 641, 648 (1997). He must seek federal habeas corpus relief (or appropriate state relief) instead.

Ohio points out that the inmates in these cases attack their parole-eligibility proceedings (Dotson) and parole-suitability proceedings (Johnson) only because they believe that victory on their claims will lead to speedier release from prison. Consequently, Ohio argues, the prisoners' lawsuits, in effect, collaterally attack the *duration* of their confinement; hence, such a claim may only be brought through a habeas corpus action, not through §1983.

The problem with Ohio's argument lies in its jump from a true premise (that in all likelihood the prisoners hope these actions will help bring about earlier release) to a faulty conclusion (that habeas is their sole avenue for relief). A consideration of this Court's case law makes clear that the connection between the constitutionality of the prisoners' parole proceedings and release from confinement is too tenuous here to achieve Ohio's legal door-closing objective.

The Court initially addressed the relationship between §1983 and the federal habeas statutes in *Preiser* v. *Rodriguez, supra.* In that case, state prisoners brought civil rights actions attacking the constitutionality of prison disciplinary proceedings that had led to the deprivation of

their good-time credits. *Id.,* at 476. The Court conceded that the language of §1983 literally covers their claims. See §1983 (authorizing claims alleging the deprivation of constitutional rights against every "person" acting "under color of" state law). But, the Court noted, the language of the federal habeas statutes applies as well. See 28 U. S. C. §2254(a) (permitting claims by a person being held "in custody in violation of the Constitution"). Moreover, the Court observed, the language of the habeas statute is more specific, and the writ's history makes clear that it traditionally "has been accepted as the specific instrument to obtain release from [unlawful] confinement." *Preiser*, 411 U. S., at 486. Finally, habeas corpus actions require a petitioner fully to exhaust state remedies, which §1983 does not. *Id.,* at 490–491; see also *Patsy* v. *Board of Regents of Fla.*, 457 U. S. 496, 507 (1982). These considerations of linguistic specificity, history, and comity led the Court to find an implicit exception from §1983's otherwise broad scope for actions that lie "within the core of habeas corpus." *Preiser*, 411 U. S., at 487.

Defining the scope of that exception, the Court concluded that a §1983 action will not lie when a state prisoner challenges "the fact or duration of his confinement," *id.*, at 489, and seeks either "immediate release from prison," or the "shortening" of his term of confinement, *id.*, at 482. Because an action for restoration of good-time credits in effect demands immediate release or a shorter period of detention, it attacks "the very duration of . . . physical confinement," *id.*, at 487–488, and thus lies at "the core of habeas corpus," *id.*, at 487. Therefore, the Court held, the *Preiser* prisoners could not pursue their claims under §1983.

In *Wolff* v. *McDonnell*, *supra,* the Court elaborated the contours of this habeas corpus "core." As in *Preiser*, state prisoners brought a §1983 action challenging prison officials' revocation of good-time credits by means of constitu-

tionally deficient disciplinary proceedings. 418 U. S., at 553. The Court held that the prisoners could not use §1983 to obtain restoration of the credits because *Preiser* had held that "an injunction restoring good time improperly taken is foreclosed." 418 U. S., at 555. But the inmates *could* use §1983 to obtain a declaration ("as a predicate to" their requested damages award) that the disciplinary procedures were invalid. *Ibid.* They could also seek "by way of ancillary relief[,] an otherwise proper injunction enjoining the *prospective* enforcement of invalid prison regulations." *Ibid.* (emphasis added). In neither case would victory for the prisoners necessarily have meant immediate release or a shorter period of incarceration; the prisoners attacked only the "wrong procedures, not . . . the wrong result (*i.e.*, [the denial of] good-time credits)." *Heck*, *supra,* at 483 (discussing *Wolff*).

In *Heck*, the Court considered a different, but related, circumstance. A state prisoner brought a §1983 action for damages, challenging the conduct of state officials who, the prisoner claimed, had unconstitutionally caused his conviction by improperly investigating his crime and destroying evidence. 512 U. S., at 479. The Court pointed to "the hoary principle that civil tort actions are not appropriate vehicles for challenging the validity of outstanding criminal judgments." *Id.*, at 486. And it held that where "establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction," *id.*, at 481–482, a §1983 action will not lie "unless . . . the conviction or sentence has already been invalidated," *id.*, at 487. The Court then added that, where the §1983 action, "even if successful, will *not* demonstrate the invalidity of any outstanding criminal judgment . . . , the action should be allowed to proceed." *Ibid.*

Finally, in *Edwards* v. *Balisok*, *supra,* the Court returned to the prison disciplinary procedure context of the kind it had addressed previously in *Preiser* and *Wolff*.

Balisok sought "a declaration that the procedures employed by state officials [to deprive him of good-time credits] violated due process, . . . damages for use of the unconstitutional procedures, [and] an injunction to prevent future violations." 520 U. S., at 643. Applying *Heck*, the Court found that habeas was the sole vehicle for the inmate's constitutional challenge insofar as the prisoner sought declaratory relief and money damages, because the "principal procedural defect complained of," namely deceit and bias on the part of the decisionmaker, "would, if established, necessarily imply the invalidity of the deprivation of [Balisok's] good-time credits." 520 U. S., at 646. Hence, success on the prisoner's claim for money damages (and the accompanying claim for declaratory relief) would "necessarily imply the invalidity of the punishment imposed." *Id.*, at 648. Nonetheless, the prisoner's claim for an injunction barring *future* unconstitutional procedures did *not* fall within habeas' exclusive domain. That is because "[o]rdinarily, a prayer for such prospective relief will not 'necessarily imply' the invalidity of a previous loss of good-time credits." *Ibid.*

Throughout the legal journey from *Preiser* to *Balisok*, the Court has focused on the need to ensure that state prisoners use only habeas corpus (or similar state) remedies when they seek to invalidate the duration of their confinement—either *directly* through an injunction compelling speedier release or *indirectly* through a judicial determination that necessarily implies the unlawfulness of the State's custody. Thus, *Preiser* found an implied exception to §1983's coverage where the claim seeks—not where it simply "relates to"—"core" habeas corpus relief, *i.e.*, where a state prisoner requests present or future release. Cf. *post*, at 5 (KENNEDY, J., dissenting) (arguing that *Preiser* covers challenges that "relate . . . to" the duration of confinement). *Wolff* makes clear that §1983 remains available for procedural challenges where success in the

action *would not necessarily* spell immediate or speedier release for the prisoner. *Heck* specifies that a prisoner cannot use §1983 to obtain damages where success *would necessarily* imply the unlawfulness of a (not previously invalidated) conviction or sentence. And *Balisok*, like *Wolff*, demonstrates that habeas 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. These cases, taken together, indicate that a state prisoner's §1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner's suit (state conduct leading to conviction or internal prison proceedings)—*if* success in that action would necessarily demonstrate the invalidity of confinement or its duration.

Applying these principles to the present case, we conclude that respondents' claims are cognizable under §1983, *i.e.*, they do not fall within the implicit habeas exception. Dotson and Johnson seek relief that will render invalid the state procedures used to deny parole eligibility (Dotson) and parole suitability (Johnson). See *Wolff*, *supra,* at 554–555. Neither respondent seeks an injunction ordering his immediate or speedier release into the community. See *Preiser*, 411 U. S., at 500; *Wolff*, *supra*, at 554. And as in *Wolff*, a favorable judgment will not "necessarily imply the invalidity of [their] conviction[s] or sentence[s]." *Heck*, *supra,* at 487. Success for Dotson does not mean immediate release from confinement or a shorter stay in prison; it means at most new eligibility review, which at most will speed *consideration* of a new parole application. Success for Johnson means at most a new parole hearing at which Ohio parole authorities may, in their discretion, decline to shorten his prison term. See Ohio Rev. Code Ann. §2967.03 (Lexis 2003) (describing the parole authority's broad discretionary powers); *Inmates of*

Orient Correctional Inst. v. *Ohio State Adult Parole Auth.* 929 F. 2d 233, 236 (CA6 1991) (same); see also Tr. of Oral Arg. 18 (petitioners' counsel conceding that success on respondents' claims would not inevitably lead to release). Because neither prisoner's claim would necessarily spell speedier release, neither lies at "the core of habeas corpus." *Preiser*, 411 U. S., at 489. Finally, the prisoners' claims for *future* relief (which, if successful, will not necessarily imply the invalidity of confinement or shorten its duration) are yet more distant from that core. See *Balisok*, *supra,* at 648.

The dissent disagrees with our legal analysis and advocates use of a different legal standard in critical part because, in its view, (1) a habeas challenge to a sentence (a "core" challenge) does not necessarily produce the prisoner's "release" (so our standard "must be . . . wrong"), see *post*, at 1–2, 4; and (2) *Heck*'s standard is irrelevant because *Heck* concerned only damages, see *post*, at 4. As to the first, we believe that a case challenging a sentence seeks a prisoner's "release" in the only pertinent sense: It seeks invalidation (in whole or in part) of the judgment authorizing the prisoner's confinement; the fact that the State may seek a *new* judgment (through a new trial or a new sentencing proceeding) is beside the point. As to the second, *Balisok* applied *Heck*'s standard and addressed a claim seeking not only damages, but also a separate declaration that the State's procedures were unlawful. See 520 U. S., at 643, 647–648.

III

Ohio makes two additional arguments. First, Ohio points to language in *Heck* indicating that a prisoner's §1983 damages action cannot lie where a favorable judgment would "necessarily imply the invalidity of his conviction *or sentence*." 512 U. S., at 487 (emphasis added). Ohio then argues that its parole proceedings are part of

the prisoners' "sentence[s]"—indeed, an aspect of the "sentence[s]" that the §1983 claims, if successful, will invalidate.

We do not find this argument persuasive. In context, *Heck* uses the word "sentence" to refer not to prison procedures, but to substantive determinations as to the length of confinement. See *Muhammad* v. *Close*, 540 U. S. 749, 751, n. 1 (2004) *(per curiam)* ("[T]he incarceration that matters under *Heck* is the incarceration ordered by the original judgment of conviction"). *Heck* uses the word "sentence" interchangeably with such other terms as "continuing confinement" and "imprisonment." 512 U. S., at 483, 486; see also *Balisok*, *supra*, at 645, 648 (referring to the invalidity of "the judgment" or "punishment imposed"). So understood, *Heck* is consistent with other cases permitting prisoners to bring §1983 challenges to prison administrative decisions. See, *e.g., Wolff*, 418 U. S., at 554–555; *Muhammad*, 540 U. S., at 754; see also *ibid.,* (rejecting "the mistaken view . . . that *Heck* applies categorically to all suits challenging prison disciplinary proceedings"). Indeed, this Court has repeatedly permitted prisoners to bring §1983 actions challenging the conditions of their confinement—conditions that, were Ohio right, might be considered part of the "sentence." See, *e.g., Cooper* v. *Pate*, 378 U. S. 546 (1964) *(per curiam); Wilwording* v. *Swenson*, 404 U. S. 249, 251 (1971) *(per curiam).* And this interpretation of *Heck* is consistent with *Balisok*, where the Court held the prisoner's suit *Heck*-barred not because it sought nullification of the disciplinary procedures but rather because nullification of the disciplinary procedures would lead necessarily to restoration of good-time credits and hence the shortening of the prisoner's sentence. 520 U. S., at 646.

Second, Ohio says that a decision in favor of respondents would break faith with principles of federal/state comity by opening the door to federal court without prior

exhaustion of state-court remedies. Our earlier cases, however, have already placed the States' important comity considerations in the balance, weighed them against the competing need to vindicate federal rights without exhaustion, and concluded that prisoners may bring their claims without fully exhausting state-court remedies so long as their suits, if established, would not necessarily invalidate state-imposed confinement. See Part II, *supra*. Thus, we see no reason for moving the line these cases draw—particularly since Congress has already strengthened the requirement that prisoners exhaust state administrative remedies as a precondition to any §1983 action. See 42 U. S. C. §1997e(a); *Porter* v. *Nussle*, 534 U. S. 516, 524 (2002).

For these reasons, the Sixth Circuit's judgment is affirmed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.