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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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HILL *v.* MCDONOUGH, INTERIM SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 05–8794. Argued April 26, 2006—Decided June 12, 2006

Facing execution in Florida, petitioner Hill brought this federal action under 42 U. S. C. §1983 to enjoin the three-drug lethal injection procedure the State likely would use on him. He alleged the procedure could cause him severe pain and thereby violate the Eighth Amendment's prohibition of cruel and unusual punishments. The District Court found that under controlling Eleventh Circuit precedent the §1983 claim was the functional equivalent of a habeas petition. Because Hill had sought federal habeas relief earlier, the court deemed his petition successive and barred under 28 U. S. C. §2244. The Eleventh Circuit agreed and affirmed.

Held: Because Hill's claim is comparable in its essentials to the §1983 action the Court allowed to proceed in *Nelson* v. *Campbell,* 541 U. S. 637, it does not have to be brought in habeas, but may proceed under §1983. Pp. 4–10.

(a) *Nelson* controls here. Although an inmate's challenge to the lawfulness of a sentence or confinement is the province of habeas corpus, *e.g., Muhammad* v. *Close,* 540 U. S. 749, 750, the *Nelson* Court declined to deem the instant §1983 Eighth Amendment "challenge seeking to permanently enjoin the use of lethal injection . . . a challenge to the fact of the sentence itself," 541 U. S., at 644. Nelson's veins were severely compromised, and Alabama planned to apply an invasive surgical procedure to enable the injection. However, that procedure was not mandated by state law, and Nelson appeared willing to concede the existence of an acceptable alternative procedure. Absent a finding that the procedure was necessary to the lethal injection, the Court concluded, injunctive relief would not prevent the State from implementing the sentence. *Id.*, at 645–646. Here, as in *Nelson*,

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Hill's action if successful would not necessarily prevent the State from executing him by lethal injection. He does not challenge his sentence as a general matter but seeks only to enjoin respondents from executing him in a manner that allegedly causes a foreseeable risk of gratuitous and unnecessary pain. He concedes that other lethal injection methods the State could choose would be constitutional, and respondents do not contend, at least at this point, that an injunction would leave no other practicable, legal method of lethally injecting Hill. Florida law, moreover, does not require the use of the challenged procedure. Under these circumstances a grant of injunctive relief could not be seen as barring the execution of Hill's sentence. The fact that Hill challenges the chemical injection sequence rather than a preliminary surgical procedure does not change the analysis. In *Nelson*, the Court reasoned that "the gravamen of petitioner's entire claim" was that the surgical procedure was "gratuitous," *id.*, at 645, whereas Hill alleges that the procedure he challenges presents a risk of pain the State can avoid while still being able to enforce his sentence.

The Court rejects two rules proposed by respondents and their *amici* to counter the prospect of inmates filing successive §1983 actions challenging one aspect of an execution procedure after another in order to forestall execution. First, the United States contends that a capital litigant's §1983 action can proceed only if, as in *Nelson,* the prisoner identifies an alternative, authorized method of execution. Although Nelson's doing so supported the Court's conclusion that his suit need not proceed as a habeas action, that fact was not decisive. *Nelson* did not change the traditional pleading requirements for §1983 actions. Specific pleading requirements are mandated by the Federal Rules of Civil Procedure, and not, as a general rule, through federal courts' case-by-case determinations. Second, relying on cases barring §1983 damages actions that, if successful, would imply the invalidation of an existing sentence or confinement, see, *e.g.*, *Heck* v. *Humphrey,* 512 U. S. 477, respondents and the *amici* States contend that any challenge that would frustrate an execution as a practical matter must proceed in habeas. This argument cannot be squared with *Nelson*'s observation, 541 U. S., at 646–647, that its criterion—whether granting relief would necessarily bar the inmate's execution—is consistent with those cases. Because injunctive relief would not necessarily foreclose Florida from executing Hill by lethal injection under present law, it could not be said that this suit seeks to establish "unlawfulness [that] would render a conviction or sentence invalid," *Heck, supra*, at 486. Pp. 4–9.

(b) Filing a §1983 action does not entitle the complainant to an automatic stay of execution. Such a stay is an equitable remedy not

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available as a matter of right, and equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from federal courts. Thus, inmates seeking time to challenge the manner of their execution must satisfy all of the requirements for a stay, including showing a significant possibility of success on the merits. A court considering a stay must also apply a strong equitable presumption against granting relief where the claim could have been brought at such a time as to allow consideration of the merits without requiring a stay. *Nelson, supra*, at 650. After *Nelson* federal courts have invoked their equitable powers to dismiss suits they saw as speculative or filed too late. Repetitive or piecemeal litigation presumably would raise similar concerns. States can and should be protected from dilatory or speculative suits, but it is not necessary to reject *Nelson* to do so. The equities and merits of Hill's underlying action are not before this Court. Pp. 9–10.

437 F. 3d 1084, reversed and remanded.

KENNEDY, J., delivered the opinion for a unanimous Court.