SUPREME COURT OF THE UNITED STATES

No. 93–6188

ROY HECK *v.* JAMES HUMPHREY ET AL.

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

[June 24, 1994]

JUSTICE SCALIA delivered the opinion of the Court.

This case presents the question whether a state prisoner may challenge the constitutionality of his conviction in a suit for damages under 42 U. S. C. §1983.

Petitioner Roy Heck was convicted in Indiana state court of voluntary manslaughter for the killing of Rickie Heck, his wife, and is serving a 15–year sentence in an Indiana prison. While the appeal from his conviction was pending, petitioner, proceeding *pro se*, filed this suit in Federal District Court under 42 U. S. C. §1983,[1] naming as defendants respondents James Humphrey and Robert Ewbank,

[1]Section 1983 provides, "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Dearborn County prosecutors, and Michael Krinoph, an investigator with the Indiana State

Police. The complaint alleged that respondents, acting under color of state law, had engaged in an "unlawful, unreasonable, and arbitrary investigation" leading to petitioner's arrest; "knowingly destroyed" evidence "which was exculpatory in nature and could have proved [petitioner's] innocence"; and caused "an illegal and unlawful voice identification procedure" to be used at petitioner's trial. App. 5–6. The complaint sought, among other things, compensatory and punitive monetary damages. It did not ask for injunctive relief, and petitioner has not sought release from custody in this action.

The District Court dismissed the action without prejudice, because the issues it raised "directly implicate the legality of [petitioner's] confinement," *Id.*, at 13. While petitioner's appeal to the Seventh Circuit was pending, the Indiana Supreme Court upheld his conviction and sentence on direct appeal, *Heck* v. *State*, 552 N. E. 2d 446, 449 (Ind. 1990); his first petition for a writ of habeas corpus in Federal District Court was dismissed because it contained unexhausted claims; and his second federal habeas petition was denied, and the denial affirmed by the Seventh Circuit.

When the Seventh Circuit reached petitioner's appeal from dismissal of his §1983 complaint, it affirmed the judgment and approved the reasoning of the District Court: "If, regardless of the relief sought, the plaintiff [in a federal civil rights action] is challenging the legality of his conviction,[2] so that if he

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[2]Neither in his petition for certiorari nor in his principal brief on the merits did petitioner contest the description of his monetary claims (by both the District Court and the Court of Appeals) as challenging the legality of his conviction. Thus, the question we understood to be before us was whether money damages

won his case the state would be obliged to release him even if he hadn't sought that relief, the suit is classified as an application for habeas corpus and the plaintiff must exhaust his state remedies, on pain of dismissal if he fails to do so." 997 F. 2d 355, 357 (1993). Heck filed a petition for certiorari, which we granted. 510 U. S. ___ (1994).

This case lies at the intersection of the two most fertile sources of federal-court prisoner litigation—the Civil Rights Act of 1871, Rev. Stat. §1979, as amended, 42 U. S. C. §1983, and the federal habeas corpus statute, 28 U. S. C. §2254. Both of these 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.

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premised on an unlawful conviction could be pursued under §1983. Petitioner sought to challenge this premise in his reply brief, contending that findings validating his damages claims would not invalidate his conviction. See Reply Brief for Petitioner 5–6. That argument comes too late. We did not take this case to review such a fact-bound issue, and we accept the characterization of the lower courts.

We also decline to pursue, without implying the nonexistence of, another issue, suggested by the Court of Appeals' statement that, if petitioner's "conviction were proper, this suit would in all likelihood be barred by res judicata." 997 F. 2d 355, 357 (CA7 1993). The res judicata effect of state-court decisions in §1983 actions is a matter of state law. See *Migra* v. *Warren City School Dist. Bd. of Ed.*, 465 U. S. 75 (1984).

In general, exhaustion of state remedies "is *not* a prerequisite to an action under §1983," *Patsy* v. *Board of Regents of Fla.*, 457 U. S. 496, 501 (1982) (emphasis added), even an action by a state prisoner, *id.*, at 509. The federal habeas corpus statute, by contrast, requires that state prisoners first seek redress in a state forum.[3] See *Rose* v. *Lundy*, 455 U. S. 509 (1982).

Preiser v. *Rodriguez*, 411 U. S. 475 (1973), considered the potential overlap between these two provisions, and held that habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release, even though such a claim may come within the literal terms of §1983. *Id.*, at 488–490. We emphasize that *Preiser* did *not* create an exception to the "no exhaustion" rule of §1983; it merely held that certain claims by state prisoners are not *cognizable* under that provision, and must be brought in habeas corpus proceedings, which do contain an exhaustion requirement.

This case is clearly not covered by the holding of *Preiser*, for petitioner seeks not immediate or speedier release, but monetary damages, as to which he could not "have sought and obtained fully effective relief through federal habeas corpus proceedings." *Id.*, at 488. See also *id.*, at 494; *Allen*

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[3]Title 28 U. S. C. §2254(b) provides, "An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner."

v. *McCurry*, 449 U. S. 90, 104 (1980). In dictum, however, *Preiser* asserted that since a state prisoner seeking only damages "is attacking something other than the fact or length of . . . confinement, and . . . is seeking something other than immediate or more speedy release[,] . . . a damages action by a state prisoner could be brought under [§1983] in federal court without any requirement of prior exhaustion of state remedies." 411 U. S., at 494. That statement may not be true, however, when establishing the basis for the damages claim necessarily demonstrates the invalidity of the conviction. In that situation, the claimant *can* be said to be "attacking the fact or length of confinement," bringing the suit within the other dictum of *Preiser:* "Congress has determined that habeas corpus is the appropriate remedy for state prisoners attacking the validity of the fact or length of their confinement, and that specific determination must override the general terms of §1983." *Id.*, at 490. In the last analysis, we think the dicta of *Preiser* to be an unreliable, if not an unintelligible, guide: that opinion had no cause to address, and did not carefully consider, the damages question before us today.

Before addressing that question, we respond to petitioner's contention that it has already been answered, in *Wolff* v. *McDonnell*, 418 U. S. 539 (1974). See Reply Brief for Petitioner 1. First of all, if *Wolff* had answered the question we would not have expressly reserved it 10 years later, as we did in *Tower* v. *Glover*, 467 U. S. 914 (1984). See *id.*, at 923. And secondly, a careful reading of *Wolff* itself does not support the contention. Like *Preiser*, *Wolff* involved a challenge to the procedures used by state prison officials to deprive prisoners of good-time credits. The §1983 complaint sought restoration of good-time credits as well as "damages for the deprivation of civil rights resulting from the use of the allegedly unconstitutional procedures." *Wolff*, *supra*,

at 553. The Court said, after holding the claim for good-time credits to be foreclosed by *Preiser*, that the damages claim was nonetheless "properly before the District Court and required determination of the validity of the procedures employed for imposing sanctions, including loss of good time," 418 U. S., at 554. Petitioner contends that this language authorized the plaintiffs in *Wolff* to recover damages measured by the actual loss of good time. We think not. In light of the earlier language characterizing the claim as one of "damages for the deprivation of civil rights," rather than damages for the deprivation of good-time credits, we think this passage recognized a §1983 claim for using the wrong procedures, not for reaching the wrong result (*i.e.*, denying good-time credits). Nor is there any indication in the opinion, or any reason to believe, that using the wrong procedures necessarily vitiated the denial of good-time credits. Thus, the claim at issue in *Wolff* did *not* call into question the lawfulness of the plaintiff's continuing confinement. See *Fulford* v. *Klein*, 529 F. 2d 377, 381 (1976), adhered to, 550 F. 2d 342 (CA5 1977) (en banc); Schwartz, The *Preiser* Puzzle: Continued Frustrating Conflict Between the Civil Rights and Habeas Corpus Remedies for State Prisoners, 37 DePaul L. Rev. 85, 120–121, 145–146 (1988).

Thus, the question posed by §1983 damage claims that do call into question the lawfulness of conviction or confinement remains open. To answer that question correctly, we see no need to abandon, as the Seventh Circuit and those courts in agreement with it have done, our teaching that §1983 contains no exhaustion requirement beyond what Congress has provided. *Patsy*, 457 U. S., at 501, 509. The issue with respect to monetary damages challenging conviction is not, it seems to us, exhaustion; but rather, the same as the issue was with respect to injunctive relief challenging conviction in *Preiser:*

whether the claim is cognizable under §1983 at all. We conclude that it is not.

"We have repeatedly noted that 42 U. S. C. §1983 creates a species of tort liability." *Memphis Community School Dist.* v. *Stachura*, 477 U. S. 299, 305 (1986) (internal quotation marks omitted). "[O]ver the centuries the common law of torts has developed a set of rules to implement the principle that a person should be compensated fairly for injuries caused by the violation of his legal rights. These rules, defining the elements of damages and the prerequisites for their recovery, provide the appropriate starting point for the inquiry under §1983 as well." *Carey* v. *Piphus*, 435 U. S. 247, 257–258 (1978). Thus, to determine whether there is any bar to the present suit, we look first to the common law of torts. Cf. *Stachura*, *supra*, at 306.

The common-law cause of action for malicious prosecution provides the closest analogy to claims of the type considered here because, unlike the related cause of action for false arrest or imprisonment, it permits damages for confinement imposed pursuant to legal process. "If there is a false arrest claim, damages for that claim cover the time of detention up until issuance of process or arraignment, but not more." W. Keeton, D. Dobbs, R. Keeton, & D. Owen, Prosser and Keeton on Law of Torts 888 (5th ed. 1984). But a successful malicious prosecution plaintiff may recover, in addition to general damages, "compensation for any arrest or imprisonment, including damages for discomfort or injury to his health, or loss of time and deprivation of the society." *Id.*, at 887–888 (footnotes omitted). See also *Roberts* v. *Thomas*, 135 Ky. 63, 121 S. W. 961 (1909).

One element that must be alleged and proved in a malicious prosecution action is termination of the prior criminal proceeding in favor of the accused. Prosser and Keeton, *supra*, at 874; *Carpenter* v. *Nutter*, 127 Cal. 61, 59 P. 301 (1899). This

requirement "avoids parallel litigation over the issues of probable cause and guilt . . . and it precludes the possibility of the claimant [sic] succeeding in the tort action after having been convicted in the underlying criminal prosecution, in contravention of a strong judicial policy against the creation of two conflicting resolutions arising out of the same or identical transaction." 8 S. Speiser, C. Krause, & A. Gans, American Law of Torts §28:5, p. 24 (1991). Furthermore, "to permit a convicted criminal defendant to proceed with a malicious prosecution claim would permit a collateral attack on the conviction through the vehicle of a civil suit." *Ibid.*[4] This Court has long

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[4]JUSTICE SOUTER criticizes our reliance on malicious prosecution's favorable termination requirement as illustrative of the common-law principle barring tort plaintiffs from mounting collateral attacks on their outstanding criminal convictions. Malicious prosecution is an inapt analogy, he says, because "[a] defendant's conviction, under Reconstruction-era common law, dissolved his claim for malicious prosecution because the conviction was regarded as irrebuttable evidence that the prosecution never lacked probable cause." *Post*, at 5–6, citing T. Cooley, Law of Torts 185 (1879). Chief Justice Cooley no doubt intended merely to set forth the general rule that a conviction defeated the malicious prosecution plaintiff's allegation (essential to his cause of action) that the prior proceeding was without probable cause. But this was not an absolute rule in all jurisdictions, see *Goodrich* v. *Warner*, 21 Conn. 432, 443 (1852); *Richter* v. *Koster*, 45 Ind. 440, 441–442 (1874), and early on it was recognized that there must be exceptions to the rule in cases involving circumstances such as

expressed similar concerns for finality and consistency and has generally declined to expand opportunities for collateral attack, see *Parke* v. *Raley*, 506 U. S. ___, ___ (1992) (slip op., at 8–9); *Teague* v. *Lane*, 489 U. S. 288, 308 (1989); *Rooker* v. *Fidelity Trust Co.*, 263 U. S. 413 (1923); *Voorhees* v. *Jackson*, 10 Pet. 449, 472–473 (1836). We think the hoary principle that civil tort actions are not appropriate vehicles for challenging the

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fraud, perjury, or mistake of law, see *Burt* v. *Place*, 4 Wend. 591 (1830); *Witham* v. *Gowen*, 14 Me. 362 (1837); *Olson* v. *Neal*, 63 Iowa 214, 18 N. W. 863 (1884). Some cases even held that a "conviction, although it be afterwards reversed, is *prima facie* evidence—and that only—of the existence of probable cause." *Neher* v. *Dobbs*, 41 Neb. 863, 868, 66 N. W. 864, 865 (1896) (collecting cases). In *Crescent City Live Stock Co.* v. *Butchers' Union Slaughter-House Co.*, 120 U. S. 141 (1887), we recognized that "[h]ow much weight as proof of probable cause shall be attributed to the judgment of the court in the original action, when subsequently reversed for error, may admit of some question." *Id.*, at 149. We attempted to "reconcile the apparent contradiction in the authorities," *id*., at 151, by observing that the presumption of probable cause arising from a conviction can be rebutted only by showing that the conviction had been obtained by some type of fraud, *ibid.* Although we ultimately held for the malicious prosecution defendant, our discussion in that case well establishes that the absolute rule JUSTICE SOUTER contends for did not exist.

Yet even if JUSTICE SOUTER were correct in asserting that a prior conviction, although

validity of outstanding criminal judgments applies to §1983 damages actions that necessarily require the plaintiff to prove the unlawfulness of his conviction or confinement, just as it has always applied to actions for malicious prosecution.[5]

We hold that, in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions

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reversed, "dissolved [a] claim for malicious prosecution," *post*, at 5, our analysis would be unaffected. It would simply demonstrate that *no* common-law action, *not even* malicious prosecution, would permit a criminal proceeding to be impugned in a tort action, *even after* the conviction had been reversed. That would, if anything, strengthen our belief that §1983, which borrowed general tort principles, was not meant to permit such collateral attack.

[5]JUSTICE SOUTER's discussion of abuse of process, *post*, at 4–5, does not undermine this principle. It is true that favorable termination of prior proceedings is not an element of that cause of action—but neither is an impugning of those proceedings one of its consequences. The gravamen of that tort is not the wrongfulness of the prosecution, but some extortionate perversion of lawfully initiated process to illegitimate ends. See, *e. g.*, *Donohoe Const. Co.* v. *Mount Vernon Associates.*, 235 Va. 531, 539–540, 369 S. E. 2d 857, 862 (1988); see also S. Speiser, C. Krause, & A. Gans, American Law of Torts §§28:32–28:34 (1991). Cognizable injury for abuse of process is limited to the harm caused by the misuse of process, and does not include harm (such as conviction and confinement)

whose unlawfulness would render a conviction or sentence invalid,[6] a §1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U. S. C. §2254. A claim for damages bearing that

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resulting from that process's being carried through to its lawful conclusion. Thus, one could no more seek compensatory damages for an outstanding criminal conviction in an action for abuse of process than in one for malicious prosecution. This limitation is illustrated by *McGann* v. *Allen*, 105 Conn. 177, 191, 134 A. 810, 815 (1926), where the court held that expenses incurred by the plaintiff in defending herself against crimes charged against her were not compensable in a suit for abuse of process, since "[d]amage[s] for abuse of process must be confined to the damage flowing from such abuse, and be confined to the period of time involved in taking plaintiff, after her arrest, to [defendant's] store, and the detention there."

[6]An example of this latter category—a §1983 action that does not seek damages directly attributable to conviction or confinement but whose successful prosecution would necessarily imply that the plaintiff's criminal conviction was wrongful—would be the following: A state defendant is convicted of and sentenced for the crime of resisting arrest, defined as intentionally preventing a peace officer from effecting a *lawful* arrest. (This is a common definition of that offense. See *People* v. *Peacock*, 68 N. Y. 2d 675,

relationship to a conviction or sentence that has *not* been so invalidated is not cognizable under §1983. Thus, when a state prisoner seeks damages in a §1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated. But if 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,[7] in

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496 N. E. 2d 683 (1986); 4 C. Torcia, Wharton's Criminal Law §593, p. 307 (14th ed. 1981).) He then brings a §1983 action against the arresting officer, seeking damages for violation of his Fourth Amendment right to be free from unreasonable seizures. In order to prevail in this §1983 action, he would have to negate an element of the offense of which he has been convicted. Regardless of the state law concerning res judicata, see n. 2, *supra*, the §1983 action will not lie.

[7]For example, a suit for damages attributable to an allegedly unreasonable search may lie even if the challenged search produced evidence that was introduced in a state criminal trial resulting in the §1983 plaintiff's still-outstanding conviction. Because of doctrines like independent source and inevitable discovery, see *Murray* v. *United States*, 487 U. S. 533, 539 (1988), and especially harmless error, see *Arizona* v. *Fulminante*, 499 U. S. 279, 307–308 (1991), such a §1983 action, even if successful, would not *necessarily* imply that the plaintiff's conviction

the absence of some other bar to the suit.[8]

Respondents had urged us to adopt a rule that was in one respect broader than this: exhaustion of state remedies should be required, they contended, not just when success in the §1983 damages suit would necessarily show a conviction or sentence to be unlawful, but whenever "judgment in a §1983 action would resolve a necessary element to a likely challenge to a conviction, even if the §1983 court [need] not determine that the conviction is invalid." Brief for Respondent 26, n. 10. Such a broad sweep was needed, respondents contended, lest a judgment in a prisoner's favor in a federal-court §1983 damage

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was unlawful. In order to recover compensatory damages, however, the §1983 plaintiff must prove not only that the search was unlawful, but that it caused him actual, compensable injury, see *Memphis Community School Dist* v. *Stachura*, 477 U. S. 299, 308 (1986), which, we hold today, does *not* encompass the "injury" of being convicted and imprisoned (until his conviction has been overturned).

[8]For example, if a state criminal defendant brings a federal civil-rights lawsuit during the pendency of his criminal trial, appeal, or state habeas action, abstention may be an appropriate response to the parallel state-court proceedings. See *Colorado River Water Conservation Dist.* v. *United States*, 424 U. S. 800 (1976).

Moreover, we do not decide whether abstention might be appropriate in cases where a state prisoner brings a §1983 damages suit raising an issue that also could be grounds for relief in a state-court challenge to his conviction or sentence. Cf. *Tower* v. *Glover*, 467 U. S. 914, 923 (1984).

action claiming, for example, a Fourth Amendment violation, be given preclusive effect as to that sub-issue in a subsequent state-court postconviction proceeding. Preclusion might result, they asserted, if the State exercised sufficient control over the officials' defense in the §1983 action. See *Montana* v. *United States*, 440 U. S. 147, 154 (1979). While we have no occasion to rule on the matter at this time, it is at least plain that preclusion will not necessarily be an automatic, or even a permissible, effect.[9]

[9]State courts are bound to apply federal rules in determining the preclusive effect of federal-court decisions on issues of federal law. See P. Bator, D. Meltzer, P. Mishkin, & D. Shapiro, Hart and Wechsler's The Federal Courts and the Federal System 1604 (3d ed. 1988) ("It is clear that where the federal court decided a federal question, federal res judicata rules govern"); *Deposit Bank* v. *Frankfort*, 191 U. S. 499, 514–518 (1903); *Stoll* v. *Gottlieb*, 305 U. S. 165, 170–171, 174–175 (1938). The federal rules on the subject of issue and claim preclusion, unlike those relating to exhaustion of state remedies, are "almost entirely judge-made." Hart & Wechsler's, *supra*, at 1598; see also Burbank, Interjurisdictional Preclusion, Full Faith and Credit and Federal Common Law: A General Approach, 71 Cornell L. Rev. 733, 747–778 (1986). And in developing them the courts can, and indeed should, be guided by the federal policies reflected in congressional enactments. Cf. *Moragne* v. *States Marine Lines, Inc.*, 398 U. S. 375, 390–391 (1970). See also *United States* v. *Mendoza*, 464 U. S. 154 (1984) (recognizing exception to general principles of res judicata in light of overriding federal policy concerns). Thus,

In another respect, however, our holding sweeps more broadly than the approach respondents had urged. We do not engraft an exhaustion requirement upon §1983, but rather deny the existence of a cause of action. Even a prisoner who has fully exhausted available state remedies has no cause of action under §1983 unless and until the conviction or sentence is reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus. That makes it unnecessary for us to address the statute-of-limitations issue wrestled with by the Court of Appeals, which concluded that a federal doctrine of equitable tolling would apply to the §1983 cause of action while state challenges to the conviction or sentence were being exhausted. (The court distinguished our cases holding that state, not federal, tolling provisions apply in §1983 actions, see *Board of Regents, Univ. of N. Y.* v. *Tomanio*, 446 U. S. 478 (1980); *Hardin* v. *Straub*, 490 U. S. 536 (1989), on the ground that petitioner's claim was "in part one for habeas corpus." 997 F. 2d, at 358.) Under our analysis the statute of limitations poses no difficulty while the state challenges are being pursued, since the §1983 claim has not yet arisen. Just as a cause of action for malicious prosecution does not accrue until the criminal proceedings have terminated in the plaintiff's favor, 1 C. Corman, Limitation of Actions §7.4.1, p. 532 (1991); *Carnes* v. *Atkins Bros. Co.*, 123

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the court-made preclusion rules may, as judicial application of the categorical mandate of §1983 may *not*, see *Patsy* v. *Board of Regents of Fla.*, 457 U. S. 496, 509 (1982), take account of the policy embodied in §2254(b)'s exhaustion requirement, see *Rose* v. *Lundy*, 455 U. S. 509 (1982), that state courts be given the first opportunity to review constitutional claims bearing upon state prisoners' release from custody.

La. 26, 31, 48 So. 572, 574 (1909), so also a §1983 cause of action for damages attributable to an unconstitutional conviction or sentence does not accrue until the conviction or sentence has been invalidated.[10]

Applying these principles to the present action, in which both courts below found that the damage claims challenged the legality of the conviction, we

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[10]JUSTICE SOUTER also adopts the common-law principle that one cannot use the device of a civil tort action to challenge the validity of an outstanding criminal conviction, but thinks it necessary to abandon that principle in those cases (of which no real-life example comes to mind) involving former state prisoners who, because they are no longer in custody, cannot bring postconviction challenges. *Post*, at 10. We think the principle barring collateral attacks—a longstanding and deeply rooted feature of both the common law and our own jurisprudence—is not rendered inapplicable by the fortuity that a convicted criminal is no longer incarcerated. JUSTICE SOUTER opines that disallowing a damages suit for a former state prisoner framed by Ku Klux Klan-dominated state officials is "hard indeed to reconcile . . . with the purpose of §1983." *Id.*, at 12. But if, as JUSTICE SOUTER appears to suggest, the goal of our interpretive enterprise under §1983 were to provide a remedy for all conceivable invasions of federal rights that freedmen may have suffered at the hands of officials of the former States of the Confederacy, the entire landscape of our §1983 jurisprudence would look very different. We would not, for example, have adopted the rule that judicial

find that the dismissal of the action was correct. The judgment of the Court of Appeals for the Seventh Circuit is

Affirmed.

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officers have absolute immunity from liability for damages under §1983, *Pierson* v. *Ray*, 386 U. S. 547 (1967), a rule that would prevent recovery by a former slave who had been tried and convicted before a corrupt state judge in league with the Ku Klux Klan.