

United States Court of Appeals
For the Eighth Circuit

No. 25-1599

Calvin J. Williams

Plaintiff - Appellant

v.

Moberly Correctional Center; Marcus Groza, In his individual and official capacity; Mike Hanline, In his individual and official capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - Hannibal

Submitted: June 9, 2026

Filed: October 8, 2026

Before COLLOTON, Chief Judge, ARNOLD and GRASZ, Circuit Judges.

GRASZ, Circuit Judge.

After filing suit to contest several conditions of his confinement at Moberly Correctional Center in Missouri, Calvin Williams moved to proceed *in forma*

pauperis (IFP) — i.e., without prepaying the filing fee. The district court¹ determined that Williams had three prior suits dismissed for failure to state a claim, so it denied his IFP motion under the Prison Litigation Reform Act of 1995 (PLRA)’s three-strikes rule. See 28 U.S.C. § 1915(g). Williams appeals, and we affirm.

I. Analysis

Williams argues the district court erred in counting one of his prior suits — which was dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994) — as a PLRA strike. We review de novo whether a prior dismissal counts as a PLRA strike. See *Castillo-Alvarez v. Krukow*, 768 F.3d 1219, 1219 (8th Cir. 2014). The PLRA’s three-strikes rule generally prevents prisoners from proceeding IFP if they have “had three or more prior suits ‘dismissed on the grounds that [they were] frivolous, malicious, or fail[ed] to state a claim upon which relief may be granted.’” *Lomax v. Ortiz-Marquez*, 590 U.S. 595, 597 (2020) (alterations in original) (quoting § 1915(g)). According to Williams, his *Heck*-barred suit is not a PLRA strike because it was not dismissed for “fail[ure] to state a claim” § 1915(g). We disagree.

In *Schafer v. Moore*, we held that a *Heck*-barred complaint “was properly dismissed for failure to state a claim.” 46 F.3d 43, 45 (8th Cir. 1995); see also *Armentrout v. Tyra*, 175 F.3d 1023 (8th Cir. 1999) (unpublished table decision).²

¹The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.

²The Third, Fourth, Fifth, Tenth, and D.C. Circuits also treat a *Heck* dismissal as one for failure to state a claim. See *Garrett v. Murphy*, 17 F.4th 419, 427–28 (3d Cir. 2021); *Brunson v. Stein*, 116 F.4th 301, 309 (4th Cir. 2024); *Colvin v. LeBlanc*, 2 F.4th 494, 497–99 (5th Cir. 2021); *Smith v. Veterans Admin.*, 636 F.3d 1306, 1312 (10th Cir. 2011); *In re Jones*, 652 F.3d 36, 38 (D.C. Cir. 2011). But the Second, Seventh, and Ninth Circuits do not categorically do so. See *Cotton v. Noeth*, 96 F.4th 249, 257 (2d Cir. 2024); *Holmes v. Marion Cnty. Sheriff’s Off.*, 141 F.4th 818, 822

Williams attempts to distinguish *Schafer* by recasting its holding as a passing characterization of *Heck* dismissals. This attempt fails, however, because “it is not only the result but also those portions of the opinion necessary to that result by which we are bound.” *Seminole Tribe v. Florida*, 517 U.S. 44, 67 (1996). *Schafer* reasoned that “no claim for damages lies” unless a 42 U.S.C. § 1983 plaintiff clears the *Heck* bar. *Schafer*, 46 F.3d at 45. So it concluded that the plaintiff’s failure to clear the bar properly resulted in a dismissal “for failure to state a claim.” *Id.* This reasoning was not a passing characterization; it was the “exclusive basis of [*Schafer*’s] judgment” affirming the dismissal of the plaintiff’s complaint. *Seminole Tribe*, 517 U.S. at 67.

Although not expressly articulated, underlying *Schafer*’s holding is the necessary implication that when *Heck* applies, it adds an element to the plaintiff’s claim. *See Schafer*, 46 F.3d at 45. If judgment in the plaintiff’s favor on a § 1983 claim “would necessarily imply the invalidity of his conviction or sentence,” *Heck* requires the plaintiff to “demonstrate that the conviction or sentence has already been invalidated.” 512 U.S. at 487. We have labeled this “the ‘favorable-termination’ requirement.” *Mitchell v. Kirchmeier*, 28 F.4th 888, 895 (8th Cir. 2022) (quoting *Entzi v. Redmann*, 485 F.3d 998, 1003 (8th Cir. 2007)). Under *Heck*, “a § 1983 plaintiff must prove” favorable termination; otherwise, his claim “is not cognizable under § 1983.” 512 U.S. at 486–87. The very definition of an “element” is “[a] constituent part of a claim that must be proved for the claim to succeed.” *Element*, *Black’s Law Dictionary* (12th ed. 2024). And the favorable-termination requirement fits that definition. To the extent there is any ambiguity remaining about the nature of our holding in *Schafer*, due to its brevity, we reiterate that when *Heck* applies, it adds an element to the plaintiff’s claim.

Moreover, *Heck*-barred claims are not cognizable because “a § 1983 cause of action for damages attributable to an unconstitutional conviction or sentence does

(7th Cir. 2025); *Washington v. L.A. Cnty. Sheriff’s Dep’t*, 833 F.3d 1048, 1055 (9th Cir. 2016).

not accrue until the conviction or sentence has been invalidated.” *Heck*, 512 U.S. at 489–90. A claim typically accrues “when the plaintiff has a complete and present cause of action.” *McDonough v. Smith*, 588 U.S. 109, 115 (2019) (cleaned up). And a cause of action is “complete and present” when all its elements are met. *E.g.*, *Smith v. Travelpiece*, 31 F.4th 878, 883 (4th Cir. 2022) (citing *Green v. Brennan*, 578 U.S. 547, 555 (2016)). Because a *Heck*-type claim cannot accrue until the underlying conviction or sentence has been invalidated, it follows that favorable termination is an element that must be met for a plaintiff to have a “complete and present cause of action.” *McDonough*, 588 U.S. at 115 (cleaned up); *see also, e.g.*, *Brunson v. Stein*, 116 F.4th 301, 306–07 (4th Cir. 2024).

Heck’s reasoning further bears out this point. “In defining the contours and prerequisites of a § 1983 claim, including its rule of accrual, courts . . . look first to the common law of torts.” *Manuel v. City of Joliet*, 580 U.S. 357, 370 (2017). *Heck* took this approach by analogizing the common-law tort of malicious prosecution to § 1983 claims that would imply the invalidity of the plaintiff’s conviction or sentence. 512 U.S. at 484. As the Supreme Court observed, “[o]ne element that must be alleged and proved in a malicious prosecution action is termination of the prior criminal proceeding in favor of the accused.” *Id.* So the Court applied the same requirement to *Heck*-type claims, “just as it has always applied to actions for malicious prosecution.” *Id.* at 486. This implies that if the favorable-termination requirement is an element of malicious prosecution, then it is an element of *Heck*-type claims as well. *See id.*; *see also, e.g.*, *Brunson*, 116 F.4th at 307.

Because favorable termination is an element of a *Heck*-type claim, a plaintiff who cannot plausibly allege that element fails “to state a claim upon which relief can be granted.” *Brown v. Simmons*, 478 F.3d 922, 924 (8th Cir. 2007). As a result, *Heck*-barred claims are “properly dismissed for failure to state a claim.” *Schafer*, 46 F.3d at 45.

Williams raises three arguments to the contrary: (1) *Heck*-barred claims are dismissed for prematurity rather than failure to state a claim on the merits;

(2) *Heck* dismissals are like exhaustion- or abstention-based dismissals; and (3) the favorable termination requirement is merely a threshold determination, not an element, because it does not apply to all § 1983 claims. These arguments broadly reflect the views of those circuits that have taken the minority position on this issue. *See supra* note 2. But they are inconsistent with our holding in *Schafer*, so we need not address them further.³

II. Conclusion

In sum, a *Heck* dismissal is a dismissal for failure to state a claim, so it counts as a PLRA strike. We therefore affirm the district court’s judgment.

³Williams also argues that his prior *Heck*-barred suit should be treated as a mislabeled habeas petition, which would not be subject to the PLRA’s three-strikes rule. Williams’s prior suit sought damages and injunctive relief under § 1983 because he was placed in disciplinary segregation based on an allegedly fabricated conduct violation report. Compl. at 4–6, 10–11, *Williams v. Manthey*, No. 6:05-CV-3083 (W.D. Mo. Feb. 28, 2005), Dkt. No. 1. “Habeas is the exclusive remedy . . . for the prisoner who seeks ‘immediate or speedier release’ from confinement.” *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)). So it “is not the appropriate remedy to seek correction of alleged unconstitutional prison discipline.” *Cates v. Ciccone*, 422 F.2d 926, 927 (8th Cir. 1970). Instead, complaints regarding prison discipline or segregation are properly brought under § 1983. *See Khaimov v. Crist*, 297 F.3d 783, 785–86 (8th Cir. 2002). Williams plainly chose to prosecute a § 1983 action, and we decline his invitation to retroactively rewrite his complaint into a habeas petition. *Cf. Hamlin v. Vaudenberg*, 95 F.3d 580, 583 (7th Cir. 1996) (“Where . . . a *pro se* plaintiff is represented by counsel on appeal, we will not permit creative appellate advocacy to rewrite a faulty complaint.” (cleaned up)).