

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 7, 2026

Christopher M. Wolpert
Clerk of Court

CHAD WILLIAM REED,

Plaintiff - Appellant,

v.

OKLAHOMA ATTORNEY GENERAL,
GENTNER DRUMMOND; EXECUTIVE
DIRECTOR OF OKLAHOMA
INDIGENT DEFENSE SYSTEM, TIM
LAUGHLIN,

Defendants - Appellees.

No. 25-6185
(D.C. No. 5:25-CV-00672-J)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **HARTZ, KELLY**, and **CARSON**, Circuit Judges.

Chad William Reed is a prisoner in the custody of the Oklahoma Department of Corrections. He filed a complaint in the United States District Court for the Western District of Oklahoma alleging violations of his constitutional rights by Oklahoma Attorney General Drummond and the Executive Director of the Oklahoma

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Indigent Defense System, Tim Laughlin. The district court dismissed his claims without prejudice as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Mr. Reed appeals. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Background & Procedural History

In 2008 a jury convicted Mr. Reed of first-degree murder, and he was sentenced to life imprisonment. He unsuccessfully challenged his conviction on direct appeal, in state postconviction proceedings, and in a federal habeas corpus application, which he pursued through a petition for certiorari to the United States Supreme Court. In his postconviction filings Mr. Reed argued that prosecutors had obtained his murder conviction in violation of *Napue v. Illinois*, 360 U.S. 264 (1959), by relying on perjured testimony from two witnesses, Patricia Hollingsworth and Wyva Clouse.

After Mr. Reed's requests for postconviction relief were denied, Mr. Reed filed this civil action. Among other things, his complaint alleged that Attorney General Drummond violated his rights under *Napue* by not correcting the reliance on perjured testimony in response to his 2024 petition for certiorari. Mr. Reed also alleged that the prosecutors had violated *Brady v. Maryland*, 373 U.S. 83 (1963), by failing to turn over evidence undermining Ms. Hollingsworth's testimony.

For relief, Mr. Reed requested that Attorney General Drummond and Mr. Laughlin, together in their official capacities, seek a new trial for him. He claimed that his right to equal protection entitles him to this relief because Attorney

General Drummond recently sought a new trial for another Oklahoma prisoner, Richard Glossip.

Analysis

We review de novo the district court’s dismissal of a complaint for failure to state a claim on which relief may be granted. *See Cohen v. Longshore*, 621 F.3d 1311, 1315 (10th Cir. 2010)

We conclude that the district court and magistrate judge properly applied *Heck*, which bars requests for both damages and declaratory or injunctive relief “for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid,” unless that conviction or sentence has already been invalidated. 512 U.S. at 486; *see Wilkinson v. Dodson*, 544 U.S. 74, 80–82 (2005) (barring injunctive and declaratory relief).

The magistrate judge concluded that judgment in Mr. Reed’s favor would “clearly imply the invalidity of his state court conviction,” which has not been overturned or invalidated. R. at 75. Thus, the magistrate judge recommended dismissing his complaint without prejudice.¹

¹ The magistrate judge also concluded that, to the extent Mr. Reed’s complaint also challenged his unsuccessful postconviction proceedings in state court, any such claims were barred under the *Rooker-Feldman* doctrine. R. at 75 n.8 (citing *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005), and explaining that the *Rooker-Feldman* doctrine bars plaintiffs from challenging their state court losses in federal court). But the district court did not address or rely on the *Rooker-Feldman* doctrine in its de novo review of the magistrate judge’s report and recommendation, so we need not address it here.

In adopting that recommendation, the district court rejected Mr. Reed's contention that an exception to the *Heck* bar should apply under *Cohen v. Longshore*, 621 F.3d at 1315–17. The *Cohen* exception may allow a plaintiff to pursue a civil-rights claim under 42 U.S.C. § 1983 when he has “no available remedy in habeas, through no lack of diligence on his part.” R. at 92 (quoting *Cohen*, 621 F.3d at 1317).

That exception does not help Mr. Reed. To begin with, the general rule of *Heck* is that one who has been convicted of a crime cannot seek damages or equitable relief on a theory of liability that would undermine the conviction without first having the conviction set aside. Implicit in this rule is that one cannot seek relief if attempts to set aside the conviction have failed. It would be absurd to read *Cohen* as permitting a suit simply because the plaintiff has worn out his or her welcome in the habeas and postconviction theater. Thus, Mr. Reed cannot seek relief based on any claim of unconstitutional conduct that he has already unsuccessfully pursued in prior habeas or postconviction proceedings.

Further, to the extent that he is seeking relief based on claims not previously presented in habeas or postconviction proceedings (such as his claim that the Attorney General violated *Napue* by failing to come clean in the certiorari proceedings before the United States Supreme Court), he is required by *Cohen* to show that he could not, by the exercise of due diligence, have presented those claims in a habeas or postconviction proceeding. He has failed to do so. *Cohen* recognized that proof of release from custody may provide such a showing. But Mr. Reed

remains in custody, and nothing in *Cohen* suggests that it would be enough simply to establish the unlikelihood of prevailing in habeas or postconviction proceedings (either because of lack of merit or because of failure to satisfy strict procedural requirements meant to preserve the finality of convictions). Consequently, in light of *Heck*, even modified by *Cohen*, we see no policy or principle that would justify Mr. Reed's suit absent a showing that his conviction has been set aside.

Conclusion

We affirm the judgment of the district court. We deny Mr. Reed's motion to appoint counsel.

Entered for the Court

Harris L Hartz
Circuit Judge