Syllabus

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

Syllabus

NELSON *v.* CAMPBELL, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.

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

No. 03–6821. Argued March 29, 2004—Decided May 24, 2004

Three days before his scheduled execution by lethal injection, petitioner filed a 42 U. S. C. §1983 action against respondent Alabama prison officials, alleging that the use of a "cut-down" procedure requiring an incision into his arm or leg to access his severely compromised veins constituted cruel and unusual punishment and deliberate indifference to his medical needs in violation of the Eighth Amendment. Petitioner, who had already filed an unsuccessful federal habeas application, sought a permanent injunction against the cut-down's use, a temporary stay of execution so the District Court could consider his claim's merits, and orders requiring respondents to furnish a copy of the protocol on the medical procedures for venous access and directing them to promulgate a venous access protocol that comports with contemporary standards. Respondents moved to dismiss the complaint for want of jurisdiction on the grounds that the §1983 claim and stay request were the equivalent of a second or successive habeas application subject to 28 U. S. C. §2244(b)'s gatekeeping requirements. Agreeing, the District Court dismissed the complaint because petitioner had not obtained authorization to file such an application. In affirming, the Eleventh Circuit held that method-of-execution challenges necessarily sound in habeas, and that it would have denied a habeas authorization request.

Held: Section 1983 is an appropriate vehicle for petitioner's Eighth Amendment claim seeking a temporary stay and permanent injunctive relief. Pp. 5–13.

(a) Section 1983 must yield to the federal habeas statute where an inmate seeks injunctive relief challenging the fact of his conviction or the duration of his sentence. Such claims fall within the core of ha-

beas. By contrast, constitutional claims challenging confinement conditions fall outside of that core and may be brought under §1983 in the first instance. The Court need not reach here the difficult question of how method-of-execution claims should be classified generally. Respondents have conceded that §1983 would be the appropriate vehicle for an inmate who is not facing execution to bring a "deliberate indifference" challenge to the cut-down procedure's constitutionality if used to gain venous access for medical treatment. There is no reason on the complaint's face to treat petitioner's claim differently solely because he has been condemned to die. Respondents claim that because the cut-down is part of the execution procedure, petitioner is actually challenging the fact of his execution. However, that venous access is a necessary prerequisite to execution does not imply that a particular means of gaining such access is likewise necessary. Petitioner has argued throughout the proceedings that the cut-down and the warden's refusal to provide reliable information on the cut-down protocol are *wholly unnecessary* to gaining venous access. If, after an evidentiary hearing, the District Court finds the cut-down necessary, it will need to address the broader method-of-execution question left open here. The instant holding is consistent with this Court's approach to civil rights damages actions, which also fall at the margins of habeas. Pp. 5–9.

(b) If a permanent injunction request does not sound in habeas, it follows that the lesser-included request for a temporary stay (or preliminary injunction) does not either. Here, a fair reading of the complaint leaves no doubt that petitioner sought to enjoin the cut-down, not his execution by lethal injection. However, his stay request asked to stay his execution, seemingly without regard to whether the State did or did not resort to the cut-down. The execution warrant has now expired. If the State reschedules the execution while this case is pending on remand and petitioner seeks another similarly broad stay, the District Court will need to address the question whether a request to enjoin the execution, rather than merely to enjoin an allegedly unnecessary precursor medical procedure, properly sounds in habeas. Pp. 9–11.

(c) Respondents are incorrect that a reversal here would open the floodgates to all manner of method-of-execution challenges and last-minute stay requests. Because this Court does not here resolve the question of how to treat method-of-execution claims generally, the instant holding is extremely limited. Moreover, merely stating a cognizable §1983 claim does not warrant a stay as a matter of right. A court may consider a stay application's last-minute nature in deciding whether to grant such equitable relief. And the ability to bring a §1983 claim does not free inmates from the substantive or procedural

limitations of the Prison Litigation Reform Act of 1995. Pp. 11–13. 347 F. 3d 910, reversed and remanded.

O'CONNOR, J., delivered the opinion for a unanimous Court.