No Conviction Bar Here: SCOTUS Says Prior Ordinance Conviction Does Not Block Prospective Section 1983 Relief

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Authors:

Catherine S. Meulemans

***Olivier v. City of Brandon, Mississippi*, 607 U.S. 552 (Mar. 20, 2026)**

In *Olivier v. City of Brandon, Mississippi*, the U.S. Supreme Court held, 9-0, that a prior conviction for violating a local ordinance does not bar an individual from bringing a claim under 42 U.S.C. Section 1983 for purely prospective relief challenging that same ordinance. In other words, a plaintiff may seek forward-looking declaratory or injunctive relief against future enforcement of a law even if the plaintiff was previously convicted under it.

Background

Gabriel Olivier is a street preacher in Mississippi who believes that sharing his religious views is central to the exercise of his faith. He often preached near an amphitheater in the City of Brandon because events at that location drew sizable audiences.

In 2019, the City of Brandon adopted an ordinance requiring individuals or groups engaging in "protests" or "demonstrations" at the same time as scheduled events to remain within a "designated protest area." In 2021, Olivier was arrested for violating the ordinance. The court imposed a $304 fine, one year of probation, and 10 days of imprisonment to be served only if he violated the ordinance again during his probationary period.

Olivier then sued the City of Brandon in federal court under Section 1983, arguing that the ordinance violated the Free Speech Clause of the First Amendment by restricting speakers to the "designated protest area." He sought a declaration that the ordinance violated the First Amendment and an injunction preventing the city from enforcing the ordinance against him in the future.

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The district court and the U.S. Court of Appeals for the Fifth Circuit sided with the City of Brandon. Both courts read *Heck v. Humphrey*, 512 U.S. 477 (1994), to bar Olivier's claim because he had already been convicted under the ordinance, and success in his Section 1983 suit could call that conviction into question.

Supreme Court's Decision

Writing for a unanimous Supreme Court, Justice Kagan reversed the Fifth Circuit's judgment and remanded the case for further proceedings. The court emphasized that *Heck* does not bar a Section 1983 suit seeking purely prospective relief, even when the plaintiff has a prior conviction under the challenged law.

The Supreme Court relied on *Heck* and related cases, including *Wooley v. Maynard*, 430 U.S. 705 (1977), *Edwards v. Balisok*, 520 U.S. 641 (1997), and *Wilkinson v. Dotson*, 544 U.S. 74 (2005). Taken together, those cases distinguish between claims that would undermine an existing conviction and claims that seek only to prevent future enforcement of an allegedly unconstitutional law.

The majority explained that a Section 1983 claim may proceed where the plaintiff seeks forward-looking relief, such as protection from future enforcement of the same law. By contrast, if the plaintiff seeks relief that would affect the validity of the prior conviction itself — such as expungement, annulment of collateral consequences, or damages attributable to the conviction — the claim must be pursued through other channels, including habeas corpus where applicable.

The Supreme Court noted that barring the suit would effectively force Olivier either to refrain from engaging in activity he claimed was constitutionally protected or risk future prosecution in order to obtain judicial review.

Key Takeaways

- **Prior conviction is not an automatic bar.** The Supreme Court clarified that *Heck* does not bar Section 1983 claims seeking solely prospective declaratory or injunctive relief from future

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enforcement of a law, even when the plaintiff was previously convicted under that same law. The ruling may expand access to federal courts for plaintiffs challenging laws under which they were previously convicted.

- **The decision does not permit plaintiffs to use Section 1983 to set aside existing convictions**. Claims seeking expungement, invalidation of a conviction, damages attributable to an allegedly unlawful conviction, or other retrospective relief remain subject to *Heck* and related doctrines.
- **State and local governments face greater exposure.** Courts are now more likely to reach the merits of constitutional challenges to ordinances, regulations, and statutes when plaintiffs seek forward-looking declaratory or injunctive relief rather than relief from a prior conviction.
- **Proactive review of laws and ordinances is important.** State and local governments should consider reviewing existing and proposed laws that may raise constitutional concerns, particularly where enforcement could generate repeat challenges.
- **Litigation strategy still matters.** Although *Heck* may be less useful as a defense in cases like Olivier's, traditional Article III defenses remain available, including arguments that the plaintiff lacks standing or cannot show a genuine threat of future harm.

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**Azura Jorda, a 2L at the University of San Francisco School of Law, contributed to this article while working as a summer associate at FBT Gibbons.*

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