

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 16, 2026

Christopher M. Wolpert
Clerk of Court

MICHAEL COLLINS SMITH,

Plaintiff - Appellant,

v.

JOHNSON COUNTY, KANSAS, BOARD
OF COMMISSIONERS; STEVE HOWE;
SARAH HILL; ZAVIER ANDREWS;
CATHY EATON; JULIA RONNEBAUM,

Defendants - Appellees.

No. 25-3159
(D.C. No. 5:25-CV-03017-JWL)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HOLMES**, Chief Judge, **PHILLIPS**, and **MORITZ**, Circuit Judges.

Michael Collins Smith, a Kansas state prisoner appearing pro se, appeals from the district court's dismissal of his 42 U.S.C. § 1983 civil rights complaint.

Exercising jurisdiction under 28 U.S.C. § 1291, we affirm in part, reverse in part, and remand for further proceedings.

* 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

I. BACKGROUND

A. *Factual Background*

In February 2017, Mr. Smith was charged in the District Court of Johnson County, Kansas, with intentional first-degree murder of a man named Anthony Shuster, attempted intentional first-degree murder of the mother of Mr. Shuster's girlfriend, aggravated endangerment of Mr. Shuster's infant daughter, and criminal possession of a firearm. *State v. Smith*, No. 121,332, 2021 WL 4501835, at *2 (Kan. Ct. App. Oct. 1, 2021). The case proceeded to trial in February 2019, where the jury convicted Mr. Smith of voluntary manslaughter, attempted voluntary manslaughter, aggravated child endangerment, and criminal possession of a firearm. *Id.* at *1.

At sentencing, the trial court designated the voluntary manslaughter conviction as the primary crime and sentenced Mr. Smith to a term of imprisonment of 233 months. The trial court imposed 32-, 6-, and 8-month sentences for the remaining convictions, and ordered all of the sentences to be served consecutively to each other. The trial court also imposed a 36-month term of post-release supervision.

On direct appeal, the Kansas Court of Appeals (KCA) concluded that the trial court erred by failing to instruct the jury on imperfect self-defense involuntary manslaughter as a lesser included offense of the intentional first-degree murder charge. *Id.* The KCA therefore reversed Mr. Smith's voluntary manslaughter conviction and remanded that charge for a new trial. *Id.* The KCA affirmed all of Mr. Smith's other convictions. *Id.*

“The State did not pursue a retrial on the voluntary manslaughter charge on remand and the district court dismissed the charge with prejudice in February 2023.” *State v. Smith*, 556 P.3d 926, 928 (Kan. Ct. App. 2024). Following the dismissal, Mr. Smith opposed resentencing on his three remaining convictions. He argued that the trial court lacked jurisdiction to correct his sentence because he had already served his originally-imposed sentences for those three, non-primary convictions.

The trial court rejected Mr. Smith’s arguments and concluded that it had jurisdiction to correct his sentence. The trial court then “designat[ed] the attempted voluntary manslaughter conviction as the primary crime on which to apply [Mr. Smith’s] criminal history” and resentenced Mr. Smith “to 144 months’ imprisonment.” *Id.* at 929.

Mr. Smith appealed the resentencing decision. The KCA affirmed, concluding that trial court did not err in resentencing Mr. Smith. *Id.* at 928.

B. Procedural Background

In January 2025, Mr. Smith initiated these proceedings by filing a pro se § 1983 complaint against the district attorney for Johnson County, four assistant district attorneys who were involved in prosecuting him, and the Board of County Commissioners for Johnson County. The complaint included a host of claims, most of which challenged the procedures by which the intentional first-degree murder charge was filed and prosecuted against him.¹ The complaint requested

¹ The complaint also asserted unrelated claims against the Johnson County Sheriff and ten unnamed sheriff’s deputies regarding their inspection of Mr. Smith’s

compensatory damages of \$75 million and punitive damages of \$10 million. The complaint also challenged the legality of Mr. Smith’s continuing detention, alleging that the dismissal of the voluntary manslaughter charge resulted in him being “resentenced to 144 months” and his release date set for “March of 2028.” R. at 27.

The district court screened Mr. Smith’s complaint as required by 28 U.S.C. § 1915A(a) and issued a memorandum and order directing Mr. Smith to “show good cause . . . why th[e] action should not be dismissed due to [multiple] deficiencies” that the district court detailed in its memorandum and order. R. at 38. The district court afforded Mr. Smith “the opportunity to file a complete and proper amended complaint upon court-approved forms that cures all the [identified] deficiencies.” *Id.* at 62.

Mr. Smith filed an amended complaint and then sought and was granted leave to file a second amended complaint. The second amended complaint asserted the following § 1983 claims: malicious prosecution (Count I), deprivation of liberty without due process of law and denial of fair trial (Count II), failure to intervene (Count III), civil rights conspiracy (Count IV), supervisory liability (Count V), a *Monell*² claim (Count VI), and interference with family relationships (Count VII). The second amended complaint sought compensatory and punitive damages, but dropped the challenge to the legality of Mr. Smith’s continuing detention.

legal mail and materials. Mr. Smith subsequently abandoned those claims and they are not at issue in this appeal.

² See *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658 (1978).

The district court screened Mr. Smith’s second amended complaint and issued a memorandum and order dismissing it for failure to state a claim. In doing so, the district court cited a number of grounds for dismissal of the claims.

First, the district court concluded that “any claim challenging the calculation of his state sentence is not cognizable in a § 1983 action.” *Id.* at 107. Second, the district court concluded that Mr. Smith’s claims were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) because if it “were to find that [he] was entitled to damages for being detained and incarcerated, the invalidity of his criminal convictions would be necessarily implicated.” *R.* at 108. Third, the district court concluded Mr. Smith could not prevail on his malicious prosecution claim because he was found guilty of several of the charges in his state criminal case. Fourth, the district court concluded that the conspiracy claim failed because the second amended complaint “provide[d] no factual information whatsoever to demonstrate any type of agreement was made between anyone.” *Id.* at 113. Fifth, the district court concluded the interference with family relationships claim, which was based on the prosecutors calling Mr. Smith’s mother and two sons to testify against him, failed because the second amended complaint did not allege any “unwarranted and severe intrusions.” *Id.* at 115. Sixth, the district court concluded the *Monell*, supervisory liability, and failure to intervene claims were insufficient because Mr. Smith “failed to state [an underlying] constitutional violation.” *Id.* Seventh, the district court concluded that the state prosecutors enjoyed absolute immunity for their conduct in prosecuting Mr. Smith.

After the entry of final judgment, Mr. Smith filed a notice of appeal.

II. DISCUSSION

We review de novo a district court’s decision to dismiss a complaint for failure to state a claim upon which relief may be granted, including when the dismissal occurs under § 1915A(a). *Requena v. Roberts*, 893 F.3d 1195, 1204 (10th Cir. 2018). We apply the same standards for dismissal under § 1915A(a) as for Federal Rule of Civil Procedure 12(b)(6). *Id.* at 1204-05; *cf. Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007); *Curley v. Perry*, 246 F.3d 1278, 1283 n.2 & n.3 (10th Cir. 2001). “[W]e accept all . . . well-pleaded allegations . . . as true and . . . construe them in the light most favorable to the plaintiff.” *Requena*, 893 F.3d at 1204-05 (internal quotation marks omitted). We evaluate those allegations to determine whether they “contain[] factual content that allows the court to draw the reasonable inference that the defendant[s] [are] liable for the misconduct alleged.” *Chilcoat v. San Juan Cnty.*, 41 F.4th 1196, 1218 (10th Cir. 2022). (internal quotation marks omitted).

As discussed in greater detail below, we conclude that the district court properly dismissed all but one of Mr. Smith’s claims.

A. The supervisory liability and Monell claims

We turn first to Mr. Smith’s supervisory liability and *Monell* claims.

The supervisory liability claim (Count V) was asserted against Mr. Howe, who served as the District Attorney for Johnson County at the time of Mr. Smith’s trial. Because § 1983 does not authorize liability under a theory of respondeat superior, Mr. Smith has to demonstrate an “affirmative link” between Mr. Howe and the alleged constitutional violations. *Perry v. Durborow*, 892 F.3d 1116, 1121 (10th Cir.

2018) (internal quotation marks omitted). But nothing in the second amended complaint alleges Mr. Howe’s personal involvement in the case, causation, or the necessary state of mind for the imposition of supervisory liability. *See id.* We therefore conclude the district court properly dismissed this claim.

The *Monell* (municipal liability) claim (Count VI) was asserted against the Johnson County Board of Commissioners. To establish municipal liability under *Monell*, a plaintiff must show (1) a municipal employee committed a constitutional violation and (2) a municipal policy or custom was the moving force behind the violation. *See Jiron v. City of Lakewood*, 392 F.3d 410, 419 (10th Cir. 2004). Here, Count VI broadly alleges the existence of “a policy, practice, or custom of unconstitutional misconduct in serious felony investigations,” but does not provide any supporting allegations. R. at 92. We therefore conclude that Count VI failed to state a claim for relief under *Monell*.

B. Heck v. Humphrey

In *Heck*, the Supreme Court held that

to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, 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.

512 U.S. at 486-87 (footnote omitted). “A claim for damages bearing that relationship to a conviction or sentence that has not been so invalidated is not cognizable under § 1983.” *Id.* at 487.

The district court concluded that *Heck* barred Mr. Smith's claims against the named prosecutors. We agree with that conclusion, with one exception. All but one of the § 1983 claims asserted against the prosecutors in Mr. Smith's second amended complaint were based on actions allegedly taken by them during the course of Mr. Smith's criminal proceedings that impacted the entire trial and its outcome. For example, Count II alleged that the four assistant district attorneys deprived Mr. Smith "of his right to a fair trial by deliberately suppressing . . . any favorable crime lab results" and "deliberately suborning perjury at the preliminary hearing" and trial. R. at 87. As such, these claims effectively called into question the validity of all of Mr. Smith's convictions. We therefore agree with the district court that, per *Heck*, these claims are not cognizable under § 1983 and were therefore properly dismissed.

The one exception is Count I of Mr. Smith's second amended complaint. Count I, which asserted a claim of malicious prosecution, alleged that the prosecutors involved in his state criminal case "initiat[ed] and continu[ed] criminal proceedings against him without probable cause that [he] had committed intentional first degree murder." *Id.* In other words, the claim focused solely on Mr. Smith's prosecution for intentional first degree murder and did not necessarily call into question the validity of his other convictions. Because Mr. Smith's conviction for voluntary manslaughter (the lesser-included offense of intentional first degree murder) was reversed on direct appeal and subsequently dismissed with prejudice, *Heck* does not bar Mr. Smith from proceeding on Count I.

We therefore proceed to determine whether any of the other grounds cited by the district court are sufficient to allow us to affirm the dismissal of Count 1.

C. Favorable termination rule

To bring a malicious prosecution claim under § 1983, Mr. Smith must establish, in relevant part, that the original criminal action terminated in his favor. *See Margheim v. Buljko*, 855 F.3d 1077, 1085 (10th Cir. 2017). The district court concluded that, because all of Mr. Smith’s convictions except for the voluntary manslaughter charge were affirmed on direct appeal, Mr. Smith could not establish this element and, thus, his malicious prosecution claim failed. That conclusion, however, is contrary to the Supreme Court’s decision in *Chiaverini v. City of Napoleon*, 602 U.S. 556 (2024). “The question presented” in *Chiaverini* arose when government official brought “multiple charges” against the plaintiff, “only one of which lack[ed] probable cause.” *Id.* at 558. The Court held that “the valid charges” did not “create a categorical bar” and thus did not “insulate the official from a Fourth Amendment malicious-prosecution claim relating to the invalid charge.” *Id.* at 558-59. In light of *Chiaverini*, we cannot say at this stage of the proceedings that the validity of Mr. Smith’s other convictions precludes him from bringing a malicious prosecution claim related to the intentional first-degree murder charge.

D. Prosecutorial immunity

“Absolute prosecutorial immunity is a complete bar to a suit for damages under 42 U.S.C. § 1983.” *Mink v. Suthers*, 482 F.3d 1244, 1258 (10th Cir. 2007). We take “a ‘functional approach’” to absolute prosecutorial immunity, where we look

“to ‘the nature of the function performed, not the identity of the actor who performed it.’” *Benavidez v. Howard*, 931 F.3d 1225, 1230 (10th Cir. 2019) (per curiam) (quoting *Buckley v. Fitzsimmons*, 509 U.S. 259, 269 (1993)). That is, we focus on “the conduct for which immunity is claimed, not the harm that the conduct may have caused or the question whether it was lawful.” *Id.* (quoting *Buckley*, 509 U.S. at 271). “[F]unctions that serve as an integral part of the judicial process or that are intimately associated with the judicial process are absolutely immune.” *Id.* (internal quotation marks omitted).

Under the functional approach, the Supreme Court has “held that absolute immunity applies when a prosecutor prepares to initiate a judicial proceeding, or appears in court to present evidence in support of a search warrant application,” but “does not apply . . . when a prosecutor acts as a complaining witness in support of a warrant application.” *Van de Kamp v. Goldstein*, 555 U.S. 335, 343 (2009) (citations omitted).

Count I of the second amended complaint alleged, in part, that defendant Julia Ronnebaum, a prosecutor, “became a complaining witness against [Mr.] Smith when she swore under penalty of perjury in a charging document that [he] had committed premediated murder against Anthony Shuster” and “did so without probable cause that [Mr.] Smith had committed such an act.” R. at 87. Count I further alleged that Sarah Hill, another prosecutor, “was a complaining witness against [Mr.] Smith in an amended charging document when she swore under penalty of perjury that [he] had committed premeditated murder against Shuster.” *Id.*

Assuming the truth of these allegations, which we must at this stage, Ms. Ronnebaum and Ms. Hill would not be entitled to absolute immunity because they were effectively acting as complaining witnesses in support of the charging documents. *See Roberts v. Kling*, 144 F.3d 710, 711 (10th Cir. 1998) (concluding that absolute immunity did not apply where prosecutor executed a criminal complaint affirming the truth of the facts set forth therein).

Although Count I also names three other prosecutors as defendants (Zavier Andrews, Cathy Eaton, and Steve Howe), it fails to identify any specific actions they took that would not have been intimately associated with the judicial process. Therefore, we conclude that these three defendants are entitled to absolute immunity from Count I.

E. Habeas nature

The district court concluded that to the extent Mr. Smith's claims "challenge[d] the calculation of his sentence in his state criminal case," the claims had to first "be presented in habeas corpus." R. at 107. Although we do not disagree with this general statement, nothing in Count I of the second amended complaint challenges the sentence that Mr. Smith is currently serving in connection with his criminal case. Thus, Mr. Smith was not required to first present his malicious prosecution claim in a federal habeas proceeding.

A. Summary

For the reasons discussed above, we affirm the district court's dismissal of all the claims asserted in Mr. Smith's second amended complaint, with the exception of

the malicious prosecution claim alleged against Ms. Hill and Ms. Ronnebaum. That single claim is remanded to the district court for further proceedings.

III. CONCLUSION

We affirm the district court's dismissal of all the claims in Mr. Smith's second amended complaint, except for the portion of Count I that is asserted against defendants Hill and Ronnebaum. We reverse the district court's dismissal of Count I against defendants Hill and Ronnebaum and remand that claim to the district court for further proceedings.

Entered for the Court

Gregory A. Phillips
Circuit Judge