



No. 25-592

In the Supreme Court of the United States

TERESA MILLER,
Petitioner,

v.

OFFICER HELMS, OFFICER BRADFORD, ERIC
POWELL, AND MORGANTOWN CITY POLICE
DEPARTMENT,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Teresa Miller
1300 Goshen Road
Apt. 5
Morgantown, WV
(304) 216-1415

Pro Se Petitioner

Third day of September, MMXXV

QUESTIONS PRESENTED

1. Did the Fourth Circuit's affirmance (Case No. 24-1718) of the Northern District of West Virginia's dismissal (Case No. 1:23-CV-26) of a 42 U.S.C. § 1983 claim as untimely, despite the vacatur of the underlying conviction on November 29, 2022, misapply *Heck v. Humphrey*, 512 U.S. 477 (1994), by failing to recognize that the claim, based on an illegal search and seizure, accrued at vacatur, reflecting prejudice against petitioner's pro se filings and conflicting with other circuits' accrual rules?

2. Did the Fourth Circuit err in affirming the denial of petitioner's motion for a change of venue under 28 U.S.C. § 1404 and refusal to facilitate attorney representation in the Fourth Circuit and Northern District of West Virginia, despite evidence of prejudice against pro se filings by the district and appellate judges, necessitating representation in these jurisdictions, or alternatively outside, to ensure impartial adjudication?

RELATED PROCEEDINGS

United States District Court (N.D. W.Va.):

Teresa Miller v. Officer Helms, Morgantown City Police Department, Eric Powell, and Officer Bradford, No. 1:23-cv-00026-TSK-MJA (Mar. 13, 2024) (dismissal of civil suit)

United States of America v. Teresa Miller, No. 1:19-cr-00041-TSK-MJA (Jan 13, 2023) (dismissal of criminal indictment after Fourth Circuit vacating conviction and sentence in *United States v. Miller*, 54 F.4th 219 (CA4 2022))

United States Court of Appeals (4th Cir.):

Teresa Miller v. Officer Helms, Morgantown City Police Department, Eric Powell, and Officer Bradford, No. 24-1718 (Aug. 18, 2025) (not precedential opinion affirming district court dismissal of civil suit)

United States of America v. Teresa Miller, No. 21-4086 (Nov. 29, 2022) (precedential opinion affirming denial of venue change and vacating conviction and sentence)

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42 U.S.C. § 1983	2
W. Va. Code § 55-2-12	2, 3

OPINIONS BELOW

The Fourth Circuit's unpublished opinion is reproduced in the Appendix at App.1-3. The Northern District of West Virginia's dismissal order is reproduced in the Appendix at App.4-9. The Fourth Circuit's published opinion vacating Miller's conviction in *United States v. Miller*, No. 1:19-CR-41 (N.D.W.Va., Oct. 26, 2020), may be found at *United States v. Miller*, 54 F.4th 219 (CA4 2022), is reproduced in the Appendix at App.10-32. The Northern District's dismissal of the criminal indictment is reproduced in the Appendix at App.33-34.

JURISDICTION

The Fourth Circuit entered judgment on August 18, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

U.S.Const., Amdt. IV: "The right of the people to be secure ... against unreasonable searches and seizures, shall not be violated"

U.S.Const., Amdt. XIV: "... nor shall any State deprive any person of life, liberty, or property, without due process of law"

42 U.S.C. § 1983: “Every person who, under color of [state law], subjects ... any citizen ... to the deprivation of any rights ... shall be liable”

W. Va. Code § 55-2-12(b): Personal injury actions must be brought within two years.

28 U.S.C. § 1404: A district court may transfer a civil action to another district for the convenience of parties and witnesses, in the interest of justice.

STATEMENT OF THE CASE

On November 29, 2022, the Fourth Circuit vacated Miller’s criminal conviction and sentence due to an illegal search and seizure on July 13, 2018, violating the Fourth Amendment. *United States v. Miller*, 54 F.4th 219 (CA4 2022) (App.10-32) The indictment was dismissed on January 13, 2023 App.33-34. This enabled a 42 U.S.C. § 1983 claim for damages against Officers Helms, Bradford, Eric Powell, and the Morgantown City Police Department. Miller, acting *pro se*, filed suit on February 6, 2023, in the Circuit Court of Monongalia County, West Virginia, within the two-year statute of limitations under W. Va. Code § 55-2-12(b), as this Court held in *Heck v. Humphrey*, 512 U.S. 477 (1994) that such claims accrue at vacatur. Defendants removed the case to the Northern District of West Virginia.

The district court dismissed the claim as untimely on March 13, 2024, erroneously calculating the statute from the 2018 incident date, ignoring the vacatur and *Heck*. Miller’s objections (N.D. W.Va. ECF No. 27), citing the vacatur and *Heck*, were deemed “general” and overruled. Miller’s requests for

attorney representation in the district court and Fourth Circuit were refused, and her motion for a change of venue under 28 U.S.C. § 1404, citing prejudice against *pro se* filings and the need for impartial adjudication with counsel, was denied. The Fourth Circuit affirmed on August 18, citing *Smith v. Travelpiece*, 31 F.4th 878 (CA4 2023), and found no abuse of discretion in denying the venue transfer or representation. Miller seeks review of the Fourth Circuit's misapplication of *Heck* and the erroneous denial of venue transfer and representation to secure a fair forum with counsel in the Fourth Circuit and district court, or alternatively, elsewhere.

REASONS FOR GRANTING THE PETITION

1. The Fourth Circuit's affirmance misapplied *Heck v. Humphrey*, denying Miller's constitutional right to seek redress for an illegal search. Under *Heck*, a § 1983 claim accrues at vacatur (November 29, 2022), making Miller's February 6, 2023, filing timely within West Virginia's two-year statute of limitations (W. Va. Code § 55-2-12(b)). The district court and Fourth Circuit's use of the 2018 incident date conflicts with *Heck*'s clear rule, suggesting prejudice by the Fourth Circuit against Miller's *pro se* filings, as they ignored Miller's objections citing the vacatur and *Heck* (N.D. W.Va. ECF No. 27; CA4 Doc. 41). The Second (*Poventud v. City of New York*, 750 F.3d 121, (CA2 2014)) and Third Circuits (*Long v. Atlantic City Police Dep't*, 670 F.3d 436, (CA3 2012)) held that § 1983 claims accrue at vacatur, creating a circuit split with the Fourth Circuit's approach in *Smith v. Travelpiece*.

This split warrants review to clarify *Heck* and protect constitutional rights. The issue is of national importance, as it affects *pro se* litigants' ability to seek redress for unlawful searches post-vacatur.

2. The Fourth Circuit erred in affirming the denial of petitioner's change of venue motion under 28 U.S.C. § 1404 and refusal to facilitate attorney representation in the Fourth Circuit and Northern District of West Virginia, finding no abuse of discretion (*Trustees of the Plumbers & Pipefitters Nat'l Pension Fund v. Plumbing Servs., Inc.*, 791 F.3d 436, 443–44, (CA4 2015); *Liteky v. United States*, 510 U.S. 540, 555, (1994)). The denial of representation and venue transfer ignored evidence of prejudice against Miller's *pro se* filings, as shown by the courts' failure to apply *Heck*, dismissal of petitioner's objections as "general" despite clear citation to the vacatur, and refusal to appoint or facilitate counsel (N.D. W. Va. ECF No. 27; Doc. 41). This prejudice denied petitioner a fair forum and due process (*Turner v. Rogers*, 564 U.S. 431, (2011)), necessitating representation in these jurisdictions to address bias, or alternatively a change of venue to another circuit (e.g., Fifth or Sixth Circuit) with counsel. Review is needed to address barriers to justice for *pro se* litigants seeking counsel in or outside biased jurisdictions.

CONCLUSION

The Court should grant certiorari, reverse the Fourth Circuit's affirmance, and remand for petitioner's § 1983 claim to proceed in an impartial

venue with attorney representation in the Fourth Circuit and Northern District of West Virginia, or alternatively elsewhere.

Respectfully submitted,

Teresa Miller
1300 Goshen Road
Apt. 5
Morgantown, WV, 26508

Dated: September 3, 2025 *Pro Se Petitioner*