

21-442 REED V. GOERTZ

DECISION BELOW: 995 F.3d 425

LOWER COURT CASE NUMBER: 19-70022

QUESTION PRESENTED:

In *Skinner v. Switzer*, 562 U.S. 521, 524-25 (2011), this Court held that state prisoners may pursue post-conviction claims for DNA testing of crime-scene evidence in a civil rights action under 42 U.S.C. § 1983. The Court made clear that a prisoner bringing such a § 1983 claim may seek "to show that the governing state law denies him procedural due process" after he has unsuccessfully sought DNA testing under available state procedures. *Id.* at 525, 530.

The question presented is whether the statute of limitations for a § 1983 claim seeking DNA testing of crime-scene evidence begins to run at the end of state-court litigation denying DNA testing, including any appeals (as the Eleventh Circuit has held), or whether it begins to run at the moment the state trial court denies DNA testing, despite any subsequent appeal (as the Fifth Circuit, joining the Seventh Circuit, held below).

CERT. GRANTED 4/25/2022