

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Noah Demetrius Reed v. State of Kansas

Reed v. State of Kansas · No. No. 26-3047-JWL · Decided March 12, 2026

SUMMARY

The United States District Court for the District of Kansas provisionally granted the petitioner’s motions to proceed in forma pauperis and substituted Tim Easley, warden of Larned State Correctional Facility, as the proper respondent. The court directed the petitioner to show cause why his federal habeas action should not be stayed pending resolution of a related state K.S.A. 60-1507 proceeding, because the petition’s timeliness under AEDPA depends on whether that state proceeding is properly filed. The court denied the motion for appointment of counsel without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 12, 2026
DOCKET	No. 26-3047-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a second federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 while a related state post-conviction motion under K.S.A. 60-1507 remained pending. On initial screening under Rule 4, the court determined that the petition's timeliness depended on the state court's future resolution of the pending motion, ordered Petitioner to show cause why the federal case should not be stayed and held in abeyance, and denied appointment of counsel without prejudice.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review a habeas petition upon filing and dismiss it if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. Pro se filings are liberally construed, but the court does not act as the petitioner's advocate or construct arguments for him.

PRECEDENTIAL VALUE	Unpublished district court memorandum and order; limited precedential value
PARTIES	Noah Demetrius Reed v. State of Kansas, Tim Easley, Warden of Larned State Correctional Facility, substituted as Respondent

TOPICS

federal habeas corpus statute of limitations state post-conviction relief civil procedure

PRACTICE AREAS

federal habeas corpus post-conviction relief civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition's timeliness under the one-year AEDPA limitation period depended on the outcome of Reed's pending K.S.A. 60-1507 proceeding such that the federal action should be stayed and held in abeyance.
2. Whether Tim Easley, the warden of the facility where Reed was confined, should replace the State of Kansas as the respondent.
3. Whether Reed was entitled to appointment of counsel at the initial stage of the federal habeas proceeding.

HOLDINGS

1. The proper respondent is the person with custody over the petitioner, ordinarily the warden of the facility where the petitioner is confined; therefore, Tim Easley was substituted for the State of Kansas.
2. Because the timeliness of the § 2254 petition depended on whether the pending K.S.A. 60-1507 motion would qualify for statutory tolling, Petitioner was ordered to show cause why the federal case should not be stayed and held in abeyance pending final resolution of the state proceeding.
3. Reed was not entitled to appointment of counsel at the initial stage of the case, and his motion for appointment of counsel was denied without prejudice.

KEY QUOTATIONS

“Because the information now before this Court indicates that the timeliness of this federal habeas petition depends on a future ruling by the state courts, the Court concludes that this matter should be stayed pending completion of the state-court proceedings related to the currently pending K.S.A. 60-1507 motion.” (Analysis)

“there is no constitutional right to counsel in habeas proceedings.” (Motion for Appointment of Counsel)

FACTUAL BACKGROUND

In 2016, a Sedgwick County jury convicted Reed of aggravated kidnapping, attempted second-degree murder, and criminal threat, and the state court sentenced him to 685 months in prison. His direct review concluded when

the Kansas Supreme Court denied review on September 27, 2019. Reed filed state post-conviction motions in 2020 and 2025, with the latter remaining pending when he filed the present federal habeas petition.

PROCEDURAL HISTORY

A Kansas jury convicted Reed in 2016, and the Kansas Court of Appeals affirmed; the Kansas Supreme Court denied review on September 27, 2019. Reed filed a K.S.A. 60-1507 motion in May 2020, pursued it through the Kansas appellate courts, and obtained denial of review on March 27, 2025. He filed another K.S.A. 60-1507 motion on June 17, 2025, which remained pending when he filed this federal petition on February 23, 2026. The court previously dismissed Reed's 2022 federal habeas action without prejudice for failure to exhaust available state remedies.

DISPOSITION

other

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)
- *State v. Reed*, 2018 WL 4839660, *2 (Kan. Ct. App. Oct. 5, 2018)
- *Reed v. State*, 2023 WL 7271858, *1 (Kan. Ct. App. Nov. 3, 2023)
- *Reed v. Kansas*, 2022 WL 705341, *1 (D. Kan. Mar. 9, 2022)
- *United States v. Hopkins*, 920 F.3d 690, 696 n.8 (10th Cir. 2019)
- *Preston v. Gibson*, 234 F.3d 1118, 1120 (10th Cir. 2000)
- *Jimenez v. Quarterman*, 555 U.S. 113, 119 (2009)
- *United States v. Hurst*, 322 F.3d 1256, 1259, 1261-62 (10th Cir. 2003)
- *Stuart v. Utah*, 449 F. App'x 736, 738 (10th Cir. 2011) (unpublished)
- *Harris v. Dinwiddie*, 642 F.3d 902, 906 n.6 (10th Cir. 2011)
- *Pace v. DiGuglielmo*, 544 U.S. 408, 417 (2005)
- *Allen v. Siebert*, 552 U.S. 3, 5-7 (2007)
- *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)
- *Lomack v. Farris*, 2025 WL 397520, *1 (10th Cir. Feb. 4, 2025) (unpublished)
- *Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008)
- *Swazo v. Wyoming Department of Corrections State Penitentiary Warden*, 23 F.3d 332, 333 (10th Cir. 1994)
- *Steffey v. Orman*, 461 F.3d 1218, 1223 (10th Cir. 2006)
- *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004)
- *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995)