

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Lyndon C. Myers v. Dean Epps, et al.

Myers · No. 3:24-CV-841-CWR-ASH · Decided March 27, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi overruled Lyndon C. Myers’s objections to a magistrate judge’s Report and Recommendation in his 28 U.S.C. § 2254 habeas proceeding. The court held that the petition was untimely under AEDPA, rejected the asserted due process claim concerning state post-conviction proceedings, denied an evidentiary hearing, and dismissed the petition as time-barred.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Carlton W. Reeves
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	March 27, 2026
DOCKET	3:24-CV-841-CWR-ASH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2254 habeas petition challenging his Mississippi convictions. After a magistrate judge recommended denying an evidentiary hearing, granting respondents' motion to dismiss, and dismissing the petition as time-barred, petitioner objected. The district court conducted de novo review of the objected-to portions, overruled the objections, adopted the Report and Recommendation, denied an evidentiary hearing, granted the motion to dismiss, and dismissed the petition as untimely.
STANDARD OF REVIEW	The court reviewed objected-to portions of the magistrate judge's Report and Recommendation de novo under 28 U.S.C. § 636(b)(1). Unobjected portions were reviewed under a clearly erroneous, abuse-of-discretion, and contrary-to-law standard. The motion to dismiss was evaluated under Federal Rule of Civil Procedure 12(b)(6), accepting

	well-pleaded facts as true but requiring sufficient factual matter to state a plausible claim.
PRECEDENTIAL VALUE	Nonprecedential federal district court order
PARTIES	Lyndon C. Myers v. Dean Epps, et al.

TOPICS

federal habeas corpus post-conviction relief statute of limitations actual innocence due process

PRACTICE AREAS

Federal habeas corpus Post-conviction relief Criminal procedure

QUESTIONS PRESENTED

1. Whether Myers's federal habeas petition was timely under AEDPA's factual-predicate exception in 28 U.S.C. § 2244(d)(1)(D).
2. Whether equitable tolling and actual-innocence arguments were properly before the district court when first raised in objections to the magistrate judge's Report and Recommendation.
3. Whether alleged errors in the state post-conviction proceedings stated a cognizable federal due-process claim.
4. Whether Myers was entitled to a federal evidentiary hearing concerning the Young Affidavit.

HOLDINGS

1. The factual-predicate exception under 28 U.S.C. § 2244(d)(1)(D) begins when the petitioner is on notice of the facts supporting the claim, not when the petitioner obtains additional evidence supporting that claim. Because Myers knew of Young's alleged falsehoods during the 2012 trial, the Young Affidavit did not restart the limitations period, and the petition was untimely.
2. The court declined to consider Myers's equitable-tolling and actual-innocence arguments because he raised them for the first time in objections to the magistrate judge's Report and Recommendation.
3. Alleged errors in the application of state law during state collateral post-conviction proceedings do not state a cognizable claim for federal habeas relief.
4. Myers was not entitled to a federal evidentiary hearing because he failed to identify relevant factual disputes requiring development to resolve the statute-of-limitations issue, and the factual predicate on which he relied was already known to him.

KEY QUOTATIONS

“Under the factual predicate exception, the AEDPA limitations period begins on “the date a petitioner is on notice of the facts which would support a claim, not the date on which the petitioner has in his possession evidence to support a claim.”” (Docket No. 21 at 4)

“Additionally, errors in state collateral post-conviction proceedings, such as state habeas applications, will not entitle a petitioner to federal habeas corpus relief.” (Docket No. 21 at 11)

“However, “an evidentiary hearing is not required if there are ‘no relevant factual disputes that would require development in order to assess the claims.’”” (Docket No. 21 at 12)

FACTUAL BACKGROUND

Myers was convicted in Mississippi state court after testimony from Earnest Johnson and Jesmane Young implicated him in a 2012 armed robbery. Johnson later recanted his testimony, and Young later submitted an affidavit stating that he had lied about Myers personally admitting involvement, although the affidavit did not recant all of Young's testimony or his law-enforcement statement. Myers relied on the Young Affidavit in his third state post-conviction motion and then in this federal habeas petition.

PROCEDURAL HISTORY

Myers was convicted in Mississippi state court of armed robbery, conspiracy to commit armed robbery, and being a felon in possession of a firearm, among other charges, and the Mississippi Supreme Court affirmed in 2014. He pursued several state post-conviction applications, including a 2024 application based on a later affidavit from trial witness Jesmane Young. Myers filed this federal habeas petition on December 30, 2024. The magistrate judge recommended dismissal as untimely and denial of an evidentiary hearing; the district court adopted those recommendations.

DISPOSITION

dismissed

CASES CITED

- Myers v. State, 153 So. 3d 581 (Miss. 2014)
- Roberts v. Cockrell, 319 F.3d 690, 694 (5th Cir. 2003)
- Shelby v. Cain, No. 1:21-CV-406-HSO-RPM, 2023 WL 2563229, at *3 (S.D. Miss. Mar. 17, 2023)
- Gillett v. Hall, No. 2:19-CV-44-TBM-MTP, 2022 WL 602192, at *3 (S.D. Miss. Feb. 28, 2022)
- Johansson v. King, No. 5:14-CV-96-DCB, 2015 WL 5089782, at *2 (S.D. Miss. Aug. 27, 2015)
- Johnson v. Morris, No. 3:18-CV-392-KHJ-FKB, 2021 WL 3173604, at *2 (S.D. Miss. July 27, 2021)
- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009)
- Johnson v. Harris County, 83 F.4th 941, 945 (5th Cir. 2023)
- Osborne v. Hall, 934 F.3d 428, 432 (5th Cir. 2019)
- In re Davila, 888 F.3d 179, 185, 189 (5th Cir. 2018)
- Flanagan v. Johnson, 154 F.3d 196, 199 (5th Cir. 1998)
- Starns v. Andrews, 524 F.3d 612, 618 (5th Cir. 2008)
- Finley v. Johnson, 243 F.3d 215, 219 n.3 (5th Cir. 2001)

- United States v. Armstrong, 951 F.2d 626, 630 (5th Cir. 1992)
- Omran v. Prator, 674 F. App'x 353, 355 (5th Cir. 2016)
- Swarthout v. Cooke, 562 U.S. 216, 219 (2011)
- In re Palacios, 58 F.4th 189, 190 (5th Cir. 2023)
- Ervitts v. Lucey, 469 U.S. 387, 393-97 (1985)
- Holliday v. Cain, No. 3:23-CV-3126-KHJ-MTP, 2025 WL 923488, at *4 (S.D. Miss. Mar. 25, 2025)
- Robison v. Johnson, 151 F.3d 256, 268 (5th Cir. 1998)
- McDonald v. Johnson, 139 F.3d 1056, 1059 (5th Cir. 1998)

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