

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Brandon Michael Dupuis v. Kim Cargor

Case No. 4:25-CV-11656 (E.D. Mich. Mar. 4, 2026) · No. 4:25-CV-11656 · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denied Brandon Michael Dupuis’s petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his Michigan convictions and the admission of surveillance footage and text messages. The court denied a certificate of appealability but granted leave to appeal in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 4, 2026
DOCKET	4:25-CV-11656
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from Michigan state-court convictions following a jury trial, asserting that the trial court improperly denied lesser-included-offense instructions and improperly admitted phone records, text messages, and surveillance footage.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), federal habeas relief is unavailable for a claim adjudicated on the merits in state court unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court, or was based on an unreasonable determination of the facts. A state court's determination that a claim lacks merit defeats relief so long as fair-minded jurists could disagree.
PRECEDENTIAL VALUE	unpublished

TOPICS

federal habeas corpus

post-conviction relief

due process

hearsay

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PRACTICE AREAS

federal habeas corpus

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the denial of lesser-included-offense jury instructions in Dupuis's noncapital Michigan prosecution violated due process and entitled him to federal habeas relief.
2. Whether the admission of surveillance footage and phone text messages, allegedly unauthenticated and containing hearsay, violated the Constitution or otherwise supported federal habeas relief.

HOLDINGS

1. The failure to instruct the jury on lesser-included offenses in this noncapital case did not present a cognizable federal habeas claim because the Supreme Court has never held that the Due Process Clause requires such an instruction in a noncapital case.
2. Claims that the state court improperly authenticated surveillance footage and text messages or admitted hearsay under Michigan evidence law are not cognizable on federal habeas review and do not entitle Dupuis to relief.
3. A certificate of appealability is denied because Dupuis failed to make a substantial showing of the denial of a constitutional right and reasonable jurists would not debate the resolution of his claims.

KEY QUOTATIONS

“Simply put, ‘the Constitution does not require a lesser-included offense instruction in non- capital cases.’”
(at 4)

“A decision of a state court is “contrary to” clearly established federal law if the state court arrives at a conclusion opposite to that reached by the Supreme Court on a question of law or if the state court decides a case differently than the Supreme Court has on a set of materially indistinguishable facts.” (at 3)

“a state court’s determination that a claim lacks merit precludes federal habeas relief so long as ‘fairminded jurists could disagree’ on the correctness of the state court’s decision.” (at 3)

FACTUAL BACKGROUND

Dupuis was convicted after a jury trial of first-degree premeditated murder and several related offenses arising from a home invasion. Evidence showed that Dupuis, Devon Jovell Knights, and Brandon Miller entered a Bay City residence through a window, that Dupuis admitted the others, took a gun and money, and shot and killed Tyler Gruber when Gruber confronted Miller. The residence contained a marijuana-growing operation, and the prosecution introduced surveillance footage and phone text-message evidence.

PROCEDURAL HISTORY

Dupuis was convicted in the Bay County Circuit Court after a jury trial of first-degree premeditated murder and related offenses. The Michigan Court of Appeals affirmed, and the Michigan Supreme Court denied leave to appeal. Dupuis then filed a federal habeas petition under 28 U.S.C. § 2254. The district court denied the petition with prejudice, denied a certificate of appealability, and granted leave to appeal in forma pauperis.

DISPOSITION

dismissed

CASES CITED

- Wagner v. Smith, 581 F.3d 410, 413 (6th Cir. 2009)
- People v. Dupuis, No. 361117, 2023 WL 9010128, at *1 (Mich. Ct. App. Dec. 28, 2023)
- McMullan v. Booker, 761 F.3d 662, 667 (6th Cir. 2014)
- Beck v. Alabama, 447 U.S. 625, 638 n.4 (1980)
- Campbell v. Coyle, 260 F.3d 531, 541 (6th Cir. 2001)
- Bagby v. Sowders, 894 F.2d 792, 795-97 (6th Cir. 1990) (en banc)
- Taylor v. Withrow, 288 F.3d 846, 849 (6th Cir. 2002)
- Scott v. Elo, 302 F.3d 598, 606 (6th Cir. 2002)
- Dansby v. Trombley, 369 F. App'x 657, 660 (6th Cir. 2010)
- Tegeler v. Renico, 253 F. App'x 521, 524-25 (6th Cir. 2007)
- Creel v. Johnson, 162 F.3d 385, 390 (5th Cir. 1998)
- Pitts v. Lockhart, 911 F.2d 109, 112 (8th Cir. 1990)
- Rembert v. Dugger, 842 F.2d 301, 303 (11th Cir. 1988)
- Trujillo v. Sullivan, 815 F.2d 597, 602 (10th Cir. 1987)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Seymour v. Walker, 224 F.3d 542, 552 (6th Cir. 2000)
- Hennis v. Warden, Chillicothe Corr. Inst., 886 F. Supp. 2d 797, 807 (S.D. Ohio 2012)
- Dickens v. Chapman, No. 19-1945, 2020 WL 832900, at *2 (6th Cir. Jan. 15, 2020)
- Byrd v. Tessmer, 82 F. App'x 147, 150 (6th Cir. 2003)
- Rhea v. Jones, 622 F. Supp. 2d 562, 589 (W.D. Mich. 2008)
- Cathron v. Jones, 190 F. Supp. 2d 990, 996 (E.D. Mich. 2002)
- Williams v. Taylor, 529 U.S. 362, 405-06, 409-11 (2000)
- Harrington v. Richter, 562 U.S. 86, 101, 103 (2011)
- Dell v. Straub, 194 F. Supp. 2d 629, 659 (E.D. Mich. 2002)
- Foster v. Ludwick, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002)

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