

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Pierre Quaran Hamilton v. Gloria Geither

Hamilton v. Geither · No. 26-3056-JWL · Decided April 8, 2026

SUMMARY

The United States District Court for the District of Kansas addresses a pro se petition for habeas corpus under 28 U.S.C. § 2254 and several related motions. The court grants leave to proceed in forma pauperis, denies motions under Federal Rules of Civil Procedure 59 and 60, and grants in part and denies in part a motion to stay. The court permits the petitioner to elect a single response to its order to show cause concerning exhaustion of state-court remedies.

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	April 8, 2026
DOCKET	26-3056-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, along with motions to proceed in forma pauperis, for relief under Federal Rules of Civil Procedure 69, 59, and 60, and to stay or keep the action on file. The court ruled on the pending motions and directed petitioner to identify a single response to its prior order to show cause why the petition should not be dismissed without prejudice for failure to exhaust state-court remedies.
STANDARD OF REVIEW	The court liberally construed the pro se filings and applied the exhaustion requirement governing § 2254 habeas petitions. It also determined that relief under Federal Rules of Civil Procedure 59 and 60 was unavailable at the beginning of the action.
PRECEDENTIAL VALUE	unpublished
PARTIES	Pierre Quaran Hamilton v. Gloria Geither

TOPICS

federal habeas corpus

post-conviction relief

pleadings

motion for reconsideration

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

pleadings

QUESTIONS PRESENTED

1. Whether petitioner should be granted leave to proceed in forma pauperis after submitting the required financial certificate.
2. Whether petitioner was entitled to relief under Federal Rules of Civil Procedure 59 and 60 at the beginning of the habeas action.
3. Whether the action should be stayed or kept open to permit petitioner to submit multiple responses or filings addressing the order to show cause.
4. What filing procedure petitioner must follow to respond to the court's directive concerning exhaustion of state-court remedies.

HOLDINGS

1. The motion for leave to proceed in forma pauperis was granted because petitioner submitted the required financial certificate.
2. Relief under Rules 59 and 60 was unavailable at the beginning of the case, so petitioner's motions under those rules were denied.
3. The motion to stay was granted in part and denied in part: the case would not be stayed, but petitioner was given time to elect whether an existing filing or a new single filing would serve as his response to the order to show cause.

KEY QUOTATIONS

“An order granting him time to provide information to the Court is neither a license to submit multiple filings nor permission to file documents unrelated to the information requested by the Court.”

“This case shall not be stayed, but Petitioner will be granted time in which to elect whether he (1) wishes the submission at Doc. 10 to be his sole response to the Court’s directive that he show cause why this matter should not be dismissed without prejudice so that he may exhaust state-court remedies or (2) wishes to submit a different document to stand as his single response to the Court’s show cause order.”

FACTUAL BACKGROUND

Pierre Quaran Hamilton is a Kansas state prisoner incarcerated at Lansing Correctional Facility who filed a pro se § 2254 habeas petition. He submitted numerous motions and lengthy filings, including duplicative documents, after the court directed him to respond to an order to show cause concerning exhaustion of state-court remedies. He eventually submitted the financial certificate required to support his in forma pauperis motion.

PROCEDURAL HISTORY

The court previously issued a memorandum and order to show cause addressing petitioner's filings, granting time to support his in forma pauperis motion and to explain why the habeas action should not be dismissed without prejudice for failure to exhaust state remedies. Petitioner thereafter filed numerous submissions, including additional Rule 59 and Rule 60 motions, a motion to stay, and multiple lengthy filings. The court granted in forma pauperis status, denied the Rule 59 and Rule 60 motions, partially granted and partially denied the motion to stay, and allowed petitioner until April 30, 2026, to select or file a single response to the show-cause order.

DISPOSITION

other

CASES CITED

- Hamilton v. Wyandotte Cnty. Dist. Court, 2025 WL 1825563, *2-3 (D. Kan. July 2, 2025)
- Hamilton v. Geither, 2025 WL 3241442, * (D. Kan. Nov. 20, 2025)

OPINION

Pierre Quaran Hamilton v. Gloria Geither

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

PIERRE QUARAN HAMILTON,

Petitioner,

v. CASE NO. 26-3056-JWL

GLORIA GEITHER,

Respondent.

MEMORANDUM AND ORDER

This matter is a pro se petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner Pierre Quaran Hamilton, a state prisoner incarcerated at Lansing Correctional Facility in Lansing, Kansas. With his petition, Petitioner filed a motion for leave to proceed in forma pauperis (“the IFP motion”) (Doc. 2); a motion for relief under Federal Rule of Civil Procedure 69 (Doc. 3), and a motion for relief under Federal Rule of Civil Procedure 60 (Doc. 4). On March 30, 2026, the Court issued a memorandum and order to show cause (“MOSC”) that addressed the initial filings. (Doc. 5.) The MOSC first granted Petitioner to and including April 30, 2026 to submit either (1) the financial certificate required to support the IFP motion or (2) a written response explaining his inability to do so. *Id.* at 1-2. The MOSC then denied the motions for relief under Rules 59 and 60, explaining that relief under those rules is not available at the beginning of a case. *Id.* at 2-3. The MOSC also addressed the Court’s initial review of the petition and its conclusion that this matter should be dismissed without prejudice to refiling after he exhausts his claims in state court. *Id.* at

3-7. It granted Petitioner until April 30, 2026 to show cause in writing why this matter should not be dismissed without prejudice. *Id.* at 8. Since that time, Petitioner has filed the following: (1) a 66-page submission that the Court directed the clerk to docket as a notice to the Court (Doc. 6); a 1-page “Motion to Stay or Keep This Action On File” (Doc. 7); a second motion seeking relief under Rule 59 (Doc. 8); a second motion seeking relief under Rule 60 (Doc. 9); a 1-page “‘Amended’ M&O Compliance/Response Overview” with 80 pages of attachments (Docs. 10 and 10-1); and a document titled “‘For The Record’” with 12 pages of attachments (Docs. 11, 11-2, and 11-2). The final document and attachments thereto relate to Petitioner’s IFP motion and include the required financial certificate. In light of this information, the IFP motion (Doc. 2) will be granted. The “Motion to Stay or Keep This Action [o]n File,” when liberally construed, asks the Court to keep this case open until the April 30, 2026 deadline set forth in the MOSC. (Doc. 7.) It also advises the Court of Petitioner’s intent to “refile” documents already filed in this case. *Id.* This motion will be granted in part and denied in part. As Petitioner is aware from previous cases before this Court, an order granting him time to provide information to the Court is neither a license to submit multiple filings nor permission to file documents unrelated to the information requested by the Court. See *Hamilton v. Wyandotte Cnty. Dist. Court*, 2025 WL 1825563, *2-3 (D. Kan. July 2, 2025) (unpublished) (rejecting argument that the deadline for filing an amended complaint “authorize[d] piecemeal filings,” “permit[ed] Plaintiff to submit multiple filings,” or required the Court to wait until the set deadline passed before screening the submitted amended complaint); *Hamilton v. Geither*, 2025 WL 3241442, * (D. Kan. Nov. 20, 2025) (unpublished) (reminding Petitioner of previous warnings about irrelevant filings constituting abusive litigation and potentially leading to filing restrictions). Yet the same day that Petitioner filed the motion to stay (Doc. 7), he also filed what appears to be a response to the MOSC (Doc. 10) and 80 pages of attachments. The Court has previously explained to Petitioner that when he is given a deadline in a case, it is not the Court’s intent to allow him to file multiple responsive documents for the Court to read in aggregate. To the extent that Petitioner seeks leave to proceed in this fashion through his motion to stay, permission is denied. The Court will, however, allow Petitioner time to determine and identify the single, responsive submission to the MOSC he wishes the Court to consider. Petitioner should carefully consider the following guidelines. If Petitioner wishes the Court to consider the submission at Doc. 10 as his single response to the MOSC’s analysis on exhaustion, Petitioner may either (1) file a document titled “Notice to the Court” that states he wishes Doc. 10 to stand as his response to the MOSC or (2) file nothing further in this matter on or before April 30, 2026. If the Court receives from Petitioner a “Notice to the Court” or receives nothing further on or before April 30, 2026, it will consider the filing at Doc. 10 to be Petitioner’s response to the MOSC and will issue further orders as necessary. If Petitioner does not wish the Court to consider the submission at Doc. 10 as his single response to the MOSC’s analysis on exhaustion, he must submit for e-filing, on or before April 30, 2026, a single document titled “Response to the MOSC (Doc. 5)” that contains all of the reasons Petitioner believes this matter should not be dismissed

without prejudice to refiling after he exhausts his grounds for relief. Petitioner may include attachments to the response, but all attachments must be submitted at the same time as the response and must be clearly labeled as attachments to the response. Moreover, Petitioner should ensure that the relevance of the attachments to the question of exhaustion is clear and that the attachments do not duplicate documents already filed in this case. While the Court appreciates Petitioner's desire to ensure all relevant information is before the Court, sorting through lengthy filings to determine which pages are simply duplicates of pages already filed is not an efficient use of court resources. For example, the submission from Petitioner that is filed at Doc. 6 and is liberally construed as a notice to the court consists of 66 pages in total. The first 7 pages, labeled as Exhibit D, are duplicates of 7 pages already filed as part of Exhibit E to the petition. (Compare Doc. 1-5, p. 6-12 with Doc. 6, p. 1-7.) The next 2 pages, labeled Exhibit D, are duplicates of pages filed as Exhibit G to the petition. (Compare Doc. 1-7 with Doc. 6, p. 8-9.) The Court has reviewed the rest of the submission and finds that, even liberally construed, the purpose of the submission is unclear. Thus, the Court will take no further action on that filing. To be clear, if Petitioner chooses to submit a new filing to stand as his response to the MOSC, he must ensure that all of his responsive arguments are in that response. If the Court receives from Petitioner a Response to the MOSC—even if it is received before the deadline of April 30, 2026—the Court will not entertain further amendments or supplements to that response and will instead review the response and issue further orders as necessary. It will not necessarily wait until April 30, 2026 to enter orders in this case. IT IS THEREFORE ORDERED that the motion for leave to proceed in forma pauperis (Doc. 2) is granted. IT IS FURTHER ORDERED that the motion for relief under Federal Rule of Civil Procedure 59 (Doc. 8) and the motion for relief under Federal Rule of Civil Procedure 60 (Doc. 9) are denied. IT IS FURTHER ORDERED that the motion to stay case (Doc. 7) is granted in part and denied in part. This case shall not be stayed, but Petitioner will be granted time in which to elect whether he (1) wishes the submission at Doc. 10 to be his sole response to the Court's directive that he show cause why this matter should not be dismissed without prejudice so that he may exhaust state-court remedies or (2) wishes to submit a different document to stand as his single response to the Court's show cause order. Petitioner should carefully read this order in its entirety before filing anything further in this case. IT IS SO ORDERED. DATED: This 8th day of April, 2026, at Kansas City, Kansas. S/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge