

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Michael J. Pendleton v. Pennsylvania Board of Probation and Parole,
Pennsylvania Attorney General’s Office, and Warden of SCI-
Somerset

Pendleton · No. 3:25-cv-00099 · Decided January 26, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania denied Michael J. Pendleton’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court rejected his substantive due process, equal protection, and related challenges to the Pennsylvania Board of Probation and Parole’s denial of parole, concluding that the Board had identified permissible bases for its decision. The court also declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Mark R. Hornak
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 26, 2026
DOCKET	3:25-cv-00099
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from the Pennsylvania Board of Probation and Parole’s denial of parole. The petition was transferred from the Middle District of Pennsylvania, amended after a later parole denial, and denied on the merits; no certificate of appealability issued.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254, the petitioner bears the burden of establishing a violation of a federal constitutional right. A substantive due process challenge to a parole decision requires conduct that is more than unreasonable and reaches the level of egregious, conscience-shocking conduct; federal courts do not second-guess a parole board where there is some basis for its decision. A certificate of appealability requires a substantial showing of the denial of a

	constitutional right and, for a merits ruling, that reasonable jurists would find the constitutional assessment debatable or wrong.
PRECEDENTIAL VALUE	unpublished, nonprecedential federal district court opinion
PARTIES	Michael J. Pendleton v. Pennsylvania Board of Probation and Parole, Pennsylvania Attorney General's Office, Warden of SCI-Somerset

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QUESTIONS PRESENTED

1. Whether the court could deny the habeas petition on the merits without resolving whether Pendleton had exhausted available Pennsylvania remedies.
2. Whether the Board's consideration of the nature of the offense, lack of remorse, negative judicial and prosecutorial recommendations, and alleged lack of motivation for success violated substantive due process.
3. Whether Pendleton established an equal protection violation by alleging that other juvenile lifers, including a co-defendant, received parole.
4. Whether Pendleton was entitled to a certificate of appealability.

HOLDINGS

1. A federal habeas court may deny an unexhausted claim on the merits when the claim plainly fails, and therefore the court did not need to determine whether DeFoy remained controlling or whether Pendleton had exhausted his state remedy.
2. The Board's denial of parole did not violate substantive due process because the reasons cited were legally permissible and the decision was supported by multiple rational bases; the Board's conduct was not conscience-shocking or otherwise constitutionally arbitrary.
3. Pendleton failed to establish an equal protection violation because his assertion that other juvenile lifers received parole did not show that those individuals were similarly situated in all relevant respects or that the Board acted on an impermissible classification.
4. No certificate of appealability should issue because Pendleton failed to make a substantial showing of the denial of a constitutional right and reasonable jurists would not find the court's merits assessment debatable or wrong.

KEY QUOTATIONS

“federal courts are not authorized to second-guess parole boards and the requirements of substantive due process are met if there is some basis for the challenged decision.” (Section III)

“only the most egregious conduct will be considered arbitrary in the constitutional sense.” (Section III)

FACTUAL BACKGROUND

Pendleton was convicted in Allegheny County of, among other offenses, second-degree murder and robbery arising from crimes committed in 1997 when he was fourteen years old. He is serving a sentence of twenty-eight years to life and became eligible for parole in June 2025 after being resentenced in 2018 following *Miller v. Alabama*. The Pennsylvania Board denied parole based on his lack of demonstrated motivation for success, lack of remorse, negative recommendations from the trial judge and prosecuting attorney, and the nature of his case. The Board also stated that it would consider his future conduct record and whether he maintained a favorable recommendation from the Department of Corrections.

PROCEDURAL HISTORY

Pendleton filed a § 2254 petition challenging the Board’s February 25, 2025 parole denial in the Middle District of Pennsylvania, which transferred the matter to the Western District of Pennsylvania. After the Board issued another parole denial on August 7, 2025, the court granted leave to amend and vacated a pending Report and Recommendation as moot. Pendleton filed an amended petition, Respondents answered, and Pendleton replied. The court bypassed the disputed exhaustion issue under 28 U.S.C. § 2254(b)(2), denied habeas relief on the merits, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Miller v. Alabama*, *Miller v. Alabama*, 567 U.S. 460 (2012)
- *Vickers v. Superintendent Graterford SCI*, 858 F.3d 841, 848-49 (3d Cir. 2017)
- *Coleman v. Thompson*, 501 U.S. 722, 731 (1991)
- *O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999)
- *DeFoy v. McCullough*, 393 F.3d 439, 445 (3d Cir. 2005)
- *Toland v. Pennsylvania Board of Probation and Parole*, 263 A.3d 1220 (Pa. Commw. Ct. 2021)
- *Hinton v. Armel*, Civ. A. No. 22-1494, 2025 WL 295773 (W.D. Pa. Jan. 24, 2025)
- *Bowman v. Brittan*, Civ. A. No. 23-2092, 2024 WL 5050028, at *1 n.2 (E.D. Pa. Oct. 21, 2024)
- *United States v. Green*, 610 F. Supp. 711, 715 (W.D. Pa. 2022)
- *Roman v. DiGuglielmo*, 675 F.3d 204, 209 (3d Cir. 2012)
- *Hudson v. Pennsylvania Board of Probation and Parole*, 204 A.3d 392, 395 (Pa. 2019)
- *Homa v. Pennsylvania Board of Probation and Parole*, 192 A.3d 329, 334 (Pa. Commw. Ct. 2018)
- *Block v. Potter*, 631 F.2d 233, 236-37 (3d Cir. 1980)

- Newman v. Beard, 617 F.3d 775, 782 (3d Cir. 2010)
- Burkett v. Love, 89 F.3d 135, 139-40 (3d Cir. 1996)
- Perry v. Sindermann, 408 U.S. 593, 597 (1972)
- Hunterson v. DiSabato, 308 F.3d 236, 246-48 (3d Cir. 2002)
- Coady v. Vaughn, 251 F.3d 480, 487 (3d Cir. 2001)
- Artway v. Attorney General of the State of New Jersey, 81 F.3d 1235, 1267 (3d Cir. 1996)
- City of Cleburne, Texas v. Cleburne Living Center, 473 U.S. 432, 439 (1985)
- United States v. Armstrong, 517 U.S. 456, 456-57 (1996)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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