

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Travis Santell Longmire v. Mark McCullick

Longmire v. McCullick · No. 2:17-CV-10148 · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan denies Travis Santell Longmire a certificate of appealability concerning the denial of his Rule 60(d) motion for relief from judgment. The court concludes that Longmire failed to make a substantial showing of the denial of a constitutional right, demonstrate fraud, accident, or mistake, or establish the grave miscarriage of justice and actual innocence required for an independent action.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Mark A. Goldsmith
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	November 21, 2025
DOCKET	2:17-CV-10148
DISPOSITION	cert_denied
PROCEDURAL POSTURE	After the district court denied Petitioner's Rule 60(d) motion seeking relief from judgment concerning a prior habeas proceeding, the Sixth Circuit requested that the district court rule on whether to issue a certificate of appealability.
STANDARD OF REVIEW	A certificate of appealability may issue only upon a substantial showing of the denial of a constitutional right. For a denial based on procedural grounds, the petitioner must show that reasonable jurists could debate both the validity of the constitutional claim and the correctness of the procedural ruling.
PRECEDENTIAL VALUE	unpublished
PARTIES	Travis Santell Longmire v. Mark McCullick

TOPICS

federal habeas corpus

appellate procedure

post-conviction relief

motion for reconsideration

civil procedure

PRACTICE AREAS

federal habeas corpus

appellate procedure

civil procedure

post-conviction relief

remedies

QUESTIONS PRESENTED

1. Whether Longmire was entitled to a certificate of appealability to appeal the denial of his Rule 60(d) motion.
2. Whether Longmire made a substantial showing of the denial of a constitutional right or demonstrated that the district court's procedural ruling was debatable among reasonable jurists.
3. Whether Longmire could obtain independent-action relief under Rule 60(d) based on previously available claims, fraud, accident, mistake, or actual innocence.

HOLDINGS

1. A certificate of appealability is required for a habeas petitioner to appeal the denial of a Rule 60(d) motion seeking relief through an independent action.
2. Longmire was not entitled to a certificate of appealability because he failed to make a substantial showing of the denial of a constitutional right and failed to show that the district court's procedural ruling was incorrect or debatable.
3. Longmire was not entitled to relief under Rule 60(d) because he had prior opportunities to present his claim, failed to show fraud, accident, or mistake, and failed to establish actual innocence or a grave miscarriage of justice.

KEY QUOTATIONS

“A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.””

“Petitioner is not entitled to a certificate of appealability from the denial of his Rule 60(d) motion, because he failed to make a substantial showing of the denial of a constitutional right or that this Court’s procedural ruling was incorrect.”

FACTUAL BACKGROUND

Longmire sought relief from judgment under Federal Rule of Civil Procedure 60(d) in connection with a prior habeas proceeding. He argued that the district court had erred in treating his motions for summary judgment as moot and sought to challenge his state criminal conviction. The court found that he had prior opportunities to raise the alleged error, had not shown fraud, accident, or mistake, and had not established actual innocence or a grave miscarriage of justice.

PROCEDURAL HISTORY

The district court denied Longmire's Rule 60(d) motion on July 15, 2025. Longmire filed a notice of appeal on August 4, 2025, and the Sixth Circuit requested a certificate-of-appealability ruling from the district court. The district court denied a certificate of appealability.

DISPOSITION

cert_denied

CASES CITED

- Longmire v. McCullick, No. 2:17-CV-10148, 2025 WL 1938362 (E.D. Mich. July 15, 2025)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Mitchell v. Rees, 651 F.3d 593, 594 (6th Cir. 2011)
- Mitchell v. Rees, 651 F.3d 593, 598-99 (6th Cir. 2011)

OPINION

Longmire

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

TRAVIS SANTELL LONGMIRE,

Petitioner, Civil Action No. 2:17-CV-10148

v. HONONABLE MARK A. GOLDSMITH

MARK MCCULLICK,

Respondent. _____/

OPINION & ORDER DENYING A CERTIFICATE OF APPEALABILITY

REGARDING THE DENIAL OF THE RULE 60(D)

MOTION SEEKING RELIEF FROM JUDGMENT

Petitioner Travis Santell Longmire filed a Rule 60(d) motion for relief from judgment regarding his prior habeas petition, which this Court denied on July 15, 2025. Longmire v. McCullick, No. 2:17-CV-10148, 2025 WL 1938362 (E.D. Mich. July 15, 2025). On August 4, 2025, Petitioner filed a Notice of Appeal with the United States Court of Appeals for the Sixth Circuit. (Dkt. 59). The Sixth Circuit has now sent a letter to this Court requesting a ruling on a certificate of appealability. For the reasons that follow, the Court denies Petitioner a certificate of appealability. Before Petitioner may appeal the Court's decision, a certificate of appealability must issue. See 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claims, a certificate of appealability should issue, and an

appeal of the district court's order may be taken, if the petitioner shows that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When a plain procedural bar is present and the district court is correct to invoke it to dispose of the case, a reasonable jurist could not find either that the district court erred in dismissing the petition or that the petition should be allowed to proceed further. In such a circumstance, no appeal would be warranted. *Id.* A certificate of appealability is required for a habeas petitioner to appeal the denial of a Rule 60(d) motion for an independent action. See *Mitchell v. Rees*, 651 F.3d 593, 594 (6th Cir. 2011). Petitioner is not entitled to a certificate of appealability from the denial of his Rule 60(d) motion, because he failed to make a substantial showing of the denial of a constitutional right or that this Court's procedural ruling was incorrect. The Court finds that Petitioner is not entitled to bring an independent action under Rule 60(d) because he previously had several opportunities to bring his claim alleging that this Court erred in denying his motions for summary judgment as moot to the attention of this Court and the Sixth Circuit. See *Mitchell*, 651 F.3d at 598–99. Petitioner is also not entitled to relief pursuant to Rule 60(d) because he failed to show fraud, accident, or mistake. Finally, this Court finds that Petitioner is also not entitled to maintain an independent action for relief from judgment to challenge his state criminal court conviction because he failed to show that there has been a grave miscarriage of justice in his case, in that he failed to establish his actual innocence to the crimes that he was convicted of. *Mitchell*, 651 F.3d at 599. Accordingly, the Court denies the Petitioner a Certificate of Appealability. SO ORDERED. Dated: November 21, 2025 s/Mark A. Goldsmith Detroit, Michigan MARK A. GOLDSMITH United States District Judge