

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Lance Conway Wood v. Sharon D'Amico

Case No. 4:24-CV-84-AMA (D. Utah Mar. 12, 2026) · No. 4:24-CV-84-AMA · Decided March 12, 2026

SUMMARY

The United States District Court for the District of Utah dismissed Lance Conway Wood’s third federal habeas petition challenging his Utah convictions. The court held that the petition was a second or successive application under 28 U.S.C. § 2254, that Wood had not obtained authorization from the Tenth Circuit, and that the court therefore lacked jurisdiction. The court declined to transfer the matter to the Tenth Circuit, denied a certificate of appealability, and closed the case.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Ann Marie McIff Allen
JURISDICTION	United States District Court for the District of Utah
DECIDED	March 12, 2026
DOCKET	4:24-CV-84-AMA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a third federal habeas petition challenging his state conviction under 28 U.S.C. § 2254 without obtaining authorization from the Tenth Circuit to file a second or successive petition. Respondent moved to dismiss for lack of jurisdiction.
STANDARD OF REVIEW	The court reviewed whether it had jurisdiction under the AEDPA's second-or-successive-petition requirements and whether transfer to the Tenth Circuit would serve the interest of justice. It also considered whether the claims could qualify for equitable tolling and whether the state-law claim was cognizable on federal habeas review.
PRECEDENTIAL VALUE	unpublished
PARTIES	Lance Conway Wood v. Sharon D'Amico

TOPICS

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PRACTICE AREAS

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post-conviction relief

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QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to consider Wood's third § 2254 petition when he had not obtained authorization from the Tenth Circuit to file a second or successive petition.
2. Whether claims previously presented in an earlier federal habeas petition had to be dismissed under 28 U.S.C. § 2244(b)(1).
3. Whether the remaining claims should be transferred to the Tenth Circuit under 28 U.S.C. § 1631 for authorization.
4. Whether the remaining claims were sufficiently meritorious or timely to make transfer in the interest of justice.
5. Whether Wood's claim based on an alleged violation of Utah law was cognizable in federal habeas proceedings.

HOLDINGS

1. A district court lacks jurisdiction to consider a second or successive § 2254 petition filed without prior authorization from the appropriate court of appeals.
2. Claims presented in a previous federal habeas application must be dismissed in a subsequent application.
3. The district court may dismiss an unauthorized successive petition rather than transfer it to the court of appeals when transfer is not in the interest of justice.
4. Wood's remaining claims were untimely and did not qualify for equitable tolling because he failed to show newly unavailable evidence or that no reasonable juror would have convicted him.
5. An alleged violation of state law, without a federal constitutional or federal-law violation, is not cognizable in federal habeas review.

FACTUAL BACKGROUND

In 1988, Wood and Michael Archuleta kidnapped, sexually assaulted, and murdered Gordon Church near Cedar City, Utah. A Utah jury convicted Wood in 1990 of first-degree murder, aggravated sexual assault, and aggravated kidnapping, and he received life imprisonment for murder and consecutive ten-years-to-life sentences for the kidnapping and sexual assault. The Utah Supreme Court affirmed the murder and kidnapping convictions but vacated the sexual-assault conviction as merged with first-degree murder. Wood later filed two federal habeas petitions and then filed the present third petition challenging the same conviction and sentence.

PROCEDURAL HISTORY

Wood was convicted in Utah state court in 1990 of first-degree murder and aggravated kidnapping, and the Utah Supreme Court affirmed the murder and kidnapping convictions while vacating the aggravated-sexual-assault conviction. His first federal habeas petition was denied, and his second petition was vacated by the Tenth Circuit, which construed it as an authorization request and denied authorization. Wood filed the present petition

in October 2024 without authorization. The district court granted the motion to dismiss, denied a motion for explanation as moot, denied the habeas petition without prejudice, declined to transfer the matter to the Tenth Circuit, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- State v. Wood, 868 P.2d 70 (Utah 1993)
- McIntosh v. United States Parole Comm'n, 115 F.3d 809, 811 (10th Cir. 1997)
- Rivers v. Guerrero, 605 U.S. 443, 446, 450 (2025)
- Case v. Hatch, 731 F.3d 1015, 1026-27 (10th Cir. 2013)
- Panetti v. Quarterman, 551 U.S. 930, 942-47 (2007)
- Tyler v. Cain, 533 U.S. 656, 661-62 (2001)
- In re Cline, 531 F.3d 1249, 1251-52 (10th Cir. 2008)
- Preston v. Gibson, 234 F.3d 1118, 1120 (10th Cir. 2000)
- Gibson v. Klinger, 232 F.3d 799, 808 (10th Cir. 2000)
- Schlup v. Delo, 513 U.S. 298, 324 (1995)
- Stafford v. Saffle, 34 F.3d 1557, 1562 (10th Cir. 1994)
- Miller v. Marr, 141 F.3d 976, 978 (10th Cir. 1998)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)
- Pulley v. Harris, 465 U.S. 37, 41 (1984)