

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA

Morgan Jerome Burton, Jr. v. Joseph H. Headley

Case No. 3:24-CV-757-WKW · No. 3:24-CV-757-WKW · Decided February 9, 2026

SUMMARY

The United States District Court for the Middle District of Alabama preliminarily reviews Morgan Jerome Burton, Jr.'s petition for habeas corpus under 28 U.S.C. § 2254 challenging his Alabama second-degree rape conviction and sentence. The court concludes that the petition appears untimely under the Antiterrorism and Effective Death Penalty Act's one-year limitations period, while allowing the parties an opportunity to address timeliness. The court also explains that any claims challenging prison conditions under 42 U.S.C. § 1983 cannot proceed within the habeas action.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Alabama                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | W. Keith Watkins                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the Middle District of Alabama                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | February 9, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 3:24-CV-757-WKW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | State prisoner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging his Alabama conviction and sentence. On preliminary review under Rule 4, the district court determined that the petition plainly appeared untimely but provided the parties an opportunity to address timeliness, tolling, and actual innocence before entering a final dismissal. The court dismissed without prejudice any claims asserted under 42 U.S.C. § 1983 and terminated improperly named respondents. |
| STANDARD OF REVIEW    | Under Rule 4 of the Rules Governing Section 2254 Cases, the district court must preliminarily review the petition and dismiss it without requiring an answer if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. A court may raise AEDPA timeliness sua sponte, but must provide the parties fair notice and an opportunity to present their positions before dismissing on that ground.                                                             |

**PRECEDENTIAL VALUE**

unpublished and nonprecedential

**PARTIES**

Morgan Jerome Burton, Jr. v. Joseph H. Headley

**TOPICS**

federal habeas corpus

statute of limitations

post-conviction relief

civil rights

prisoners rights

**PRACTICE AREAS**

federal habeas corpus

post-conviction relief

civil rights

prisoners rights

civil procedure

**QUESTIONS PRESENTED**

1. Whether the § 2254 petition plainly appeared untimely under the one-year limitation period in 28 U.S.C. § 2244(d)(1)(A).
2. Whether statutory tolling, equitable tolling, or the actual-innocence exception could preserve the otherwise untimely petition.
3. Whether claims challenging prison conditions and seeking monetary damages could be pursued in a § 2254 habeas petition rather than under 42 U.S.C. § 1983.
4. Whether individuals other than the petitioner's custodian were proper respondents in the habeas action.

**HOLDINGS**

1. The petition plainly appeared barred by the one-year limitation period in 28 U.S.C. § 2244(d)(1)(A). Because Burton did not seek review in the Alabama Supreme Court, his conviction became final when the time for seeking that review expired, and the federal limitation period began the following day.
2. A district court may raise and consider the timeliness of a state prisoner's habeas petition sua sponte under Rule 4, but before dismissing on that basis it must give both the petitioner and respondent fair notice and an opportunity to present their positions.
3. The petition did not allege facts establishing statutory tolling, equitable tolling, or the actual-innocence exception to AEDPA's limitation period.
4. Claims challenging conditions of confinement and seeking monetary damages are not properly brought in a habeas petition and, to that extent, the petition's § 1983 claims were dismissed without prejudice.
5. Joseph H. Headley, the warden with custody of Burton, was the only proper respondent; the other named individuals were terminated from the action.

**KEY QUOTATIONS**

*“Petitioner’s one-year limitation period to file a federal habeas petition commenced either (1) on July 6, 2013, and expired on July 6, 2014, or (2) on December 18, 2013, and expired on December 18, 2014.”*  
(Section V.A)

*“Petitioner is advised that he cannot circumvent 28 U.S.C. § 1915(g) by repackaging 42 U.S.C. § 1983 claims as habeas claims in this petition.” (Section V.C)*

*“it plainly appears from the face of the petition that the claims asserted are time-barred pursuant to § 2244(d)(1)(A).” (Conclusion)*

## FACTUAL BACKGROUND

Burton was convicted by a jury in Alabama state court of second-degree rape and sentenced to 21 years and 3 months under Alabama's Habitual Felony Offender Act. The Alabama Court of Criminal Appeals affirmed the conviction, overruled rehearing on June 21, 2013, and issued a certificate of judgment in September 2013. Burton filed his federal habeas petition on November 21, 2024, asserting challenges to his conviction and sentence, ineffective assistance of counsel, conditions of confinement, and related constitutional claims, while seeking exoneration and monetary damages.

## PROCEDURAL HISTORY

Burton was convicted of second-degree rape in the Circuit Court of Lee County, Alabama, and sentenced as a habitual felony offender. The Alabama Court of Criminal Appeals affirmed by memorandum on May 24, 2013, overruled rehearing on June 21, 2013, and issued a certificate of judgment in September 2013. Burton filed this federal § 2254 petition on November 21, 2024. The district court concluded that the petition appeared time-barred under AEDPA, dismissed the disguised § 1983 claims without prejudice, and allowed Burton and the proper respondent to submit materials addressing why the habeas petition should not be dismissed as untimely.

## DISPOSITION

other

## CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004)
- *Thomas v. Crosby*, 371 F.3d 782, 787 (11th Cir. 2004)
- *Maleng v. Cook*, 490 U.S. 488, 490-91 (1989) (per curiam)
- *Paez v. Secretary, Florida Department of Corrections*, 947 F.3d 649, 651-55 (11th Cir. 2020) (per curiam)
- *Jordan v. Secretary, Department of Corrections*, 485 F.3d 1351, 1353 (11th Cir. 2007)
- *Day v. McDonough*, 547 U.S. 198, 209-10 (2006)
- *Williams v. McNeil*, 557 F.3d 1287, 1290 n.2 (11th Cir. 2009)
- *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (per curiam)
- *Gonzalez v. Thaler*, 565 U.S. 134, 137, 139-40, 148, 150, 153 (2012)
- *Kutschenreuter v. McClain*, 2022 WL 738735, at \*2 (N.D. Ala. Mar. 11, 2022)
- *Green v. Secretary, Department of Corrections*, 877 F.3d 1244, 1247 n.3 (11th Cir. 2017)
- *San Martin v. McNeil*, 633 F.3d 1257, 1266 (11th Cir. 2011)
- *Downs v. Mitchell*, 520 F.3d 1311, 1318 (11th Cir. 2008)

- Webster v. Moore, 199 F.3d 1256, 1259 (11th Cir. 1999) (per curiam)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Thomas v. Attorney General, 992 F.3d 1162, 1179 (11th Cir. 2021)
- Hunter v. Ferrell, 587 F.3d 1304, 1308 (11th Cir. 2009) (per curiam)
- Helton v. Secretary for Department of Corrections, 259 F.3d 1310, 1314-15 (11th Cir. 2001) (per curiam)
- McQuiggin v. Perkins, 569 U.S. 383, 386, 392 (2013)
- Rozzelle v. Secretary, Florida Department of Corrections, 672 F.3d 1000, 1011, 1013 (11th Cir. 2012) (per curiam)
- Bousley v. United States, 523 U.S. 614, 623 (1998)
- Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (per curiam)
- Preiser v. Rodriguez, 411 U.S. 475, 494 (1973)
- Ziglar v. Abbasi, 582 U.S. 120, 144 (2017)
- Vaz v. Skinner, 634 F. App'x 778, 781 (11th Cir. 2015) (per curiam)