

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Ryan Allen v. Warden, Madison Correctional Institution

Allen · No. 3:25-cv-354 · Decided March 12, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denied Ryan Allen’s motions for a stay, suspension of sentence, and release on bond in his 28 U.S.C. § 2254 habeas corpus proceeding. The court found that Allen’s First Amendment claim was substantial but that its merits were not clear and that he had not demonstrated exceptional circumstances warranting bail.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael R. Merz
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	March 12, 2026
DOCKET	3:25-cv-354
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding under 28 U.S.C. § 2254, moved three times for a stay or suspension of his sentence and release on bond pending resolution of his habeas petition. The court denied the motions.
STANDARD OF REVIEW	A ruling on bail pending review of a habeas petition is reviewed for abuse of discretion. A district court may release a state prisoner pending determination of a § 2254 petition only when the petitioner presents a substantial and clear claim on the merits and demonstrates exceptional circumstances warranting relief in the interests of justice.
PRECEDENTIAL VALUE	unpublished district court decision; nonprecedential
PARTIES	Ryan Allen v. Warden, Madison Correctional Institution

TOPICS

federal habeas corpus

first amendment

free speech

equitable relief

remedies

PRACTICE AREAS

Federal habeas corpus

constitutional law

First Amendment

post-conviction relief

remedies

QUESTIONS PRESENTED

1. What standard governs a state prisoner's request for release on bond pending resolution of a federal habeas corpus petition?
2. Whether Allen demonstrated a substantial and clear habeas claim and exceptional circumstances justifying release on bond.
3. Whether Allen's reliance on *Counterman v. Colorado* made the merits of his First Amendment claim sufficiently clear to warrant bond.

HOLDINGS

1. A district court may enlarge a state prisoner pending determination of a § 2254 petition only upon a showing that the petitioner's claim is substantial and clear on the merits and that exceptional circumstances make release deserving of special treatment in the interests of justice.
2. Allen was not entitled to release on bond because, although his First Amendment claim was substantial, its merits were not clear and he failed to demonstrate exceptional circumstances warranting relief.
3. A person subject to community control or post-release control remains sufficiently in custody for federal habeas jurisdiction, and completion of the currently served sentence would not necessarily moot Allen's claim if release remained conditioned on compliance with continuing conditions.

KEY QUOTATIONS

"In order to receive bail pending a decision on the merits, prisoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.'"

"Petitioner's Motions for Release on bond are DENIED."

FACTUAL BACKGROUND

Allen was confined pursuant to an Ohio conviction for violating a protection order that he had agreed to as part of a divorce decree. He claimed that his conditional and actual imprisonment punished speech that did not, on its face, threaten anyone with violence, implicating the First Amendment. He sought release on bond while his federal habeas petition was pending, but the court found that although the claim was substantial, its merits were not clear and no exceptional circumstances had been shown.

PROCEDURAL HISTORY

Allen filed a federal habeas corpus petition challenging his confinement and separately sought temporary release on bond. The magistrate judge reference was transferred to Magistrate Judge Michael R. Merz. The respondent opposed release, arguing that Allen's claims might be procedurally defaulted, that *Counterman v. Colorado* was not directly applicable, and that Allen had not shown extraordinary circumstances. The court concluded that Allen's claim was substantial but that its merits were not clear and that no exceptional circumstances warranted bail.

DISPOSITION

other

CASES CITED

- *Bliss v. Lockhart*, 891 F.2d 1335 (8th Cir. 1989)
- *In re Wainright*, 518 F.2d 173 (5th Cir. 1975)
- *LaFrance v. Bohlinger*, 487 F.2d 506 (1st Cir. 1973)
- *Counterman v. Colorado*, 600 U.S. 66 (2023)
- *Stone v. Powell*, 428 U.S. 465 (1976)
- *Aronson v. May*, 85 S. Ct. 3, 13 L. Ed. 2d 6 (1964) (Douglas, J., in chambers)
- *Glynn v. Donnelly*, 470 F.2d 95 (1st Cir. 1972)
- *Calley v. Callaway*, 496 F.2d 701 (5th Cir. 1974)
- *Martin v. Solem*, 801 F.2d 324, 329-330 (8th Cir.)
- *Iuteri v. Nardoza*, 662 F.2d 159, 161 (2d Cir.)
- *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)
- *United States v. Somerset*, 2009 WL 365658 (S.D. Ohio Feb. 6, 2009)
- *Pouncy v. Palmer*, 993 F.3d 461, 463 (6th Cir.)
- *United States v. Chilingirian*, 280 F.3d 704, 709 (6th Cir. 2002)
- *Miskel v. Karnes*, 397 F.3d 446 (6th Cir.)
- *Tiitsman v. Black*, 536 F.2d 678 (6th Cir.)
- *United States ex rel. Baker v. Finkbeiner*, 551 F.2d 180 (7th Cir. 1977)
- *United States ex rel. Rybarik v. Maroney*, 406 F.2d 1055 (3d Cir. 1969)
- *Nian v. Warden*, 994 F.3d 746 (6th Cir.)
- *In re Stansell*, 828 F.3d 412, 416 (6th Cir.)