

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Christopher Carroll Lively v. Chadwick Crabtree, et al.

Lively · No. 1:23-cv-00029-BL · Decided March 9, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied Christopher Carroll Lively’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 and dismissed the case with prejudice. The court held that the petition was untimely under the AEDPA statute of limitations and that Lively was not entitled to statutory or equitable tolling based on alleged misinformation, missing habeas materials, or limited law-library access.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Bill Lewis
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	March 9, 2026
DOCKET	1:23-cv-00029-BL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's first federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 was dismissed with prejudice as untimely after respondents asserted the AEDPA statute-of-limitations defense and the court ordered petitioner to show cause why the petition should not be dismissed.
STANDARD OF REVIEW	The court applied the AEDPA one-year limitations period and considered statutory and equitable tolling. For a certificate of appealability on procedural grounds, the court applied whether reasonable jurists would debate both the constitutional claim and the correctness of the procedural ruling.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reporter citation in the source.

PARTIES

Christopher Carroll Lively v. Chadwick Crabtree, et al.

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

successive petitions

pleadings

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

AEDPA statute of limitations

QUESTIONS PRESENTED

1. Whether Lively's § 2254 petition was filed within the one-year AEDPA statute of limitations.
2. Whether Lively was entitled to statutory tolling under 28 U.S.C. § 2244(d)(1)(B) based on alleged misinformation from a fellow inmate, missing habeas materials, and law-library restrictions.
3. Whether Lively was entitled to equitable tolling based on alleged extraordinary circumstances and lack of access to legal materials.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. The petition was untimely because the AEDPA one-year limitations period expired on August 12, 2019, and Lively did not file his federal petition until January 8, 2023.
2. Lively was not entitled to statutory tolling under § 2244(d)(1)(B) because he did not establish unlawful state action that actually prevented him from filing a timely federal petition.
3. Lively was not entitled to equitable tolling because he failed to show both extraordinary circumstances beyond his control and diligent pursuit of his rights.
4. No certificate of appealability should issue because reasonable jurists would not debate that the petition was time-barred or that statutory or equitable tolling was unavailable.

KEY QUOTATIONS

“First, Lively has provided no support for his argument that a fellow inmate’s conduct, misinforming him about the AEDPA or allowing habeas materials to go missing, triggers tolling under § 2244(d)(1)(B).”
(Section III.D)

“A petitioner must establish both diligence and extraordinary circumstances to be entitled to equitable tolling.” (Section III.E)

“For the reasons set forth above, it is ORDERED that Lively’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (doc. 1) is DENIED without an evidentiary hearing as time-barred and that this case be DISMISSED with prejudice.” (Section V)

FACTUAL BACKGROUND

Lively was convicted in 2013 in Alabama of first-degree rape, first-degree sodomy, second-degree rape, second-degree sodomy, and incest. His direct appeal became final on May 6, 2015, and his state post-conviction proceedings did not extend the federal limitations period beyond August 12, 2019. Lively filed his federal § 2254 petition on January 8, 2023, and attributed the delay to erroneous advice from a fellow-inmate law clerk, missing habeas materials, and restricted law-library access.

PROCEDURAL HISTORY

Lively was convicted in Alabama state court in 2013. His direct appeal became final when the Alabama Court of Criminal Appeals issued a certificate of judgment on May 6, 2015. His first Rule 32 petition tolled the limitations period until August 12, 2016; after 325 untolled days elapsed, his second Rule 32 petition tolled the period until July 3, 2019, leaving 40 days to file a federal petition. His third Rule 32 petition was filed after the federal limitations period had expired and therefore did not toll it. Lively filed this § 2254 petition on January 8, 2023. The district court denied the petition without an evidentiary hearing, dismissed it with prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Houston v. Lack*, 487 U.S. 266, 271-72 (1988)
- *Adams v. United States*, 173 F.3d 1339, 1340-41 (11th Cir. 1999)
- *Pugh v. Smith*, 465 F.3d 1295, 1298-99 (11th Cir. 2006)
- *Brown v. Hooks*, 176 F. App'x 949, 951 (11th Cir. 2006)
- *Johnson v. Fla. Dep't of Corr.*, 513 F.3d 1328, 1331-32 (11th Cir. 2008)
- *Lawrence v. Florida*, 421 F.3d 1221, 1226 (11th Cir. 2005)
- *Gordon v. Sec'y, Dep't of Corr.*, 479 F.3d 1299, 1300-01 (11th Cir. 2007)
- *Akins v. United States*, 204 F.3d 1086, 1090 (11th Cir. 2000)
- *Al-Amin v. Smith*, 511 F.3d 1317, 1332-33 (11th Cir. 2008)
- *Stephen v. United States*, 519 F. App'x 682, 683-84 (11th Cir. 2013)
- *Dixon v. Sec'y, Dep't of Corr.*, No. 8:16-CV-512-T-35JSS, 2017 WL 11913919, at *2 (M.D. Fla. Feb. 15, 2017)
- *Smith v. McNeil*, No. 4:08-CV-40-SPM-EMT, 2008 WL 2756405, at *3 (N.D. Fla. July 14, 2008), report and recommendation adopted, 2008 WL 4616602 (N.D. Fla. Oct. 13, 2008), adhered to on reconsideration, 2009 WL 331586 (N.D. Fla. Feb. 6, 2009)
- *Campbell v. Forniss*, No. 2:09-CV-392-MHT, 2012 WL 896259, at *4 (M.D. Ala. Jan. 24, 2012), report and recommendation adopted, 2012 WL 896381 (M.D. Ala. Mar. 16, 2012)
- *Pritchett v. McNeil*, No. 3:09-CV-96-LAC-EMT, 2010 WL 1957399, at *2 (N.D. Fla. Apr. 16, 2010), report and recommendation adopted, 2010 WL 1957391 (N.D. Fla. May 14, 2010)
- *Wood v. Spencer*, 487 F.3d 1, 7 (1st Cir. 2007)

- Sandvik v. United States, 177 F.3d 1269, 1271 (11th Cir. 1999)
- Hunter v. Ferrell, 587 F.3d 1304, 1308 (11th Cir. 2009)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Arthur v. Allen, 452 F.3d 1234, 1252-53 (11th Cir.), opinion modified on reh'g, 459 F.3d 1310 (11th Cir. 2006)
- Helton v. Sec'y for Dep't of Corr., 259 F.3d 1310, 1314-15 (11th Cir. 2001)
- Perez v. Florida, 519 F. App'x 995, 997 (11th Cir. 2013)
- Outler v. United States, 485 F.3d 1273, 1282 n.4 (11th Cir. 2007)
- Wallace v. United States, 981 F. Supp. 2d 1160, 1164-65 (N.D. Ala. 2013)
- Miller v. Florida, 307 F. App'x 366, 368 (11th Cir. 2009)
- Wainwright v. Sec'y, Dep't of Corr., 537 F.3d 1282, 1286 (11th Cir. 2007)
- Jackson v. McLaughlin, No. 17-11474-B, 2017 WL 4844624, at *2 (11th Cir. July 12, 2017)
- Paulcin v. McDonough, 259 F. App'x 211, 213 (11th Cir. 2007)
- Bell v. Sec'y, Dep't of Corr., 248 F. App'x 101, 104-05 (11th Cir. 2007)
- Sanchez v. United States, 170 F. App'x 643, 647 (11th Cir. 2006)
- Neal v. McNeil, No. 3:09-CV-23-MCR-EMT, 2010 WL 298294, at *8 (N.D. Fla. Jan. 15, 2010)
- Cutts v. Jones, Civil Action No. 1:06-CV-256-MHT, 2009 WL 230091, at *7 (M.D. Ala. Jan. 30, 2009)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)