

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Burke v. Stephenson

Burke v. Stephenson · No. CIV 24-1080 JB/SCY · Decided January 30, 2026

SUMMARY

The United States District Court for the District of New Mexico dismisses Christopher Burke’s 28 U.S.C. § 2254 habeas petition as untimely under the one-year AEDPA statute of limitations. The court concludes that Burke’s later state habeas filings did not toll the already-expired limitations period and that he did not establish equitable tolling, a state-created impediment, delayed discovery, or actual innocence sufficient to overcome the time bar.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	James O. Browning
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 30, 2026
DOCKET	CIV 24-1080 JB/SCY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for federal habeas corpus relief under 28 U.S.C. § 2254 challenging state convictions, dismissed on screening as untimely after the petitioner failed to establish statutory or equitable tolling or an actual-innocence gateway.
STANDARD OF REVIEW	The court reviewed the petition sua sponte under Rule 4 of the Rules Governing Section 2254 Cases and considered the statute-of-limitations issue before reaching the merits. For any potentially merits-adjudicated state claim, 28 U.S.C. § 2254(d) permits relief only for a state-court decision contrary to or involving an unreasonable application of clearly established Supreme Court law, or based on an unreasonable factual determination.
PRECEDENTIAL VALUE	unpublished
PARTIES	Christopher Burke v. George Stephenson, Attorney General of the State of New Mexico

TOPICS

federal habeas corpus

post-conviction relief

actual innocence

ineffective assistance

due process

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

QUESTIONS PRESENTED

1. Whether Burke's § 2254 petition was barred by AEDPA's one-year statute of limitations.
2. Whether Burke established statutory tolling based on a state-created impediment or the later discovery of a factual predicate.
3. Whether Burke established equitable tolling through extraordinary circumstances and due diligence.
4. Whether Burke demonstrated actual innocence sufficient to invoke the statute-of-limitations gateway exception.
5. Whether a certificate of appealability should issue.

HOLDINGS

1. The petition was untimely because Burke's state-court judgment became final no later than June 15, 2019, the one-year AEDPA limitations period expired no later than June 15, 2020, and Burke did not file his federal petition until October 24, 2024.
2. Burke was not entitled to statutory tolling under 28 U.S.C. § 2244(d)(1)(B), (C), or (D), and his state habeas petition did not qualify for tolling under § 2244(d)(2) because it was filed after the federal limitations period expired.
3. Burke was not entitled to equitable tolling because he failed to show both extraordinary circumstances beyond his control and diligent pursuit of his federal claims.
4. Burke did not establish actual innocence sufficient to pass through the statute-of-limitations gateway because he offered no new reliable evidence of factual innocence and pleaded guilty to the charged crimes.
5. A certificate of appealability was denied because the time-bar ruling was not reasonably debatable among jurists of reason.

KEY QUOTATIONS

“Equitable tolling is “a rare remedy to be applied in unusual circumstances.”” (Analysis § II)

“Actual innocence means factual innocence, not mere legal insufficiency” (Analysis § IV)

“The Court dismisses the Petition with prejudice as time-barred.” (Analysis § V)

FACTUAL BACKGROUND

Burke pleaded guilty in 2019 to kidnapping, aggravated battery, attempted murder, and conspiracy to commit kidnapping and received an aggregate twenty-year sentence. The judgment became final after the thirty-day New

Mexico appeal period expired on June 15, 2019. Burke filed no state collateral proceeding until March 8, 2023, and filed his federal § 2254 petition on October 24, 2024, alleging coerced plea, insufficient evidence, prosecutorial misconduct, ineffective assistance, and actual innocence.

PROCEDURAL HISTORY

Burke pleaded guilty in New Mexico state court to kidnapping, aggravated battery, attempted murder, and conspiracy to commit kidnapping and was sentenced on May 15, 2019. He did not appeal, filed a state habeas petition in March 2023, and received no relief; the New Mexico Supreme Court denied certiorari on November 20, 2023. He filed this § 2254 petition on October 24, 2024. After a magistrate judge issued an order to show cause regarding the statute of limitations, Burke filed a response, but the district court dismissed the petition with prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Ahidley, 486 F.3d 1184, 1192 n.5 (10th Cir. 2007)
- Mitchell v. Dowling, 672 F. App'x 792, 794 (10th Cir. 2016)
- Van Duzer v. Simms, 2018 WL 2138652, at *1 n.1 (D.N.M. May 9, 2018)
- Locke v. Saffle, 237 F.3d 1269, 1271-73 (10th Cir. 2001)
- Day v. McDonough, 547 U.S. 198, 209 (2006)
- Carey v. Saffold, 536 U.S. 214, 219-20 (2002)
- Holland v. Florida, 560 U.S. 631, 635, 638 (2010)
- Fisher v. Gibson, 262 F.3d 1135, 1142-43 (10th Cir. 2001)
- Burger v. Scott, 317 F.3d 1133, 1141 (10th Cir. 2003)
- Marsh v. Soares, 223 F.3d 1217, 1220 (10th Cir. 2000)
- Jimenez v. Quarterman, 555 U.S. 113, 120-21 (2009)
- Lawrence v. Florida, 549 U.S. 327, 336 (2007)
- Yang v. Archuleta, 525 F.3d 925, 928 (10th Cir. 2008)
- Phares v. Jones, 470 F. App'x 718, 719-20 (10th Cir. 2012)
- Miller v. Marr, 141 F.3d 976, 978 (10th Cir. 1998)
- McQuiggin v. Perkins, 569 U.S. 383, 386 (2013)
- Bousley v. United States, 523 U.S. 614, 623 (1998)
- Johnson v. Medina, 547 F. App'x 880, 885 (10th Cir. 2013)
- United States v. Rising, 631 F. App'x 610, 617 (10th Cir. 2015)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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