

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Kieth Johnson v. United States of America

Johnson · No. 24-cv-1112-DWD · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Kieth Johnson’s pro se motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The court held that the motion was untimely and that neither statutory extensions nor equitable tolling applied. The case was dismissed with prejudice without an evidentiary hearing, and the court declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	January 30, 2026
DOCKET	24-cv-1112-DWD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The Government moved to dismiss the motion as untimely. The court denied § 2255 relief without an evidentiary hearing, dismissed the case with prejudice, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	A § 2255 motion may be denied without an evidentiary hearing when the files and records conclusively show that the prisoner is entitled to no relief. Equitable tolling requires proof that the petitioner pursued his rights diligently and that an extraordinary circumstance prevented timely filing.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kieth Johnson v. United States of America

TOPICS

federal habeas corpus

post-conviction relief

ineffective assistance

second amendment

criminal procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

Constitutional law

Ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Johnson's § 2255 motion was timely under 28 U.S.C. § 2255(f).
2. Whether any provision of § 2255(f)(2), (f)(3), or (f)(4) extended or reset the limitations period based on governmental impediment, a newly recognized retroactive constitutional right, or newly discovered facts.
3. Whether Johnson established grounds for equitable tolling based on his alleged illness, low IQ, and inability to conduct legal research.
4. Whether an evidentiary hearing or certificate of appealability was warranted.

HOLDINGS

1. A conviction becomes final, for purposes of § 2255(f)(1), when the time for filing a direct appeal expires; because Johnson did not appeal, his conviction became final on January 4, 2023, and his April 15, 2024 motion was untimely.
2. Johnson did not establish a governmental impediment, a newly recognized and retroactive Supreme Court right, or newly discovered facts sufficient to extend or reset the § 2255 limitations period.
3. Johnson was not entitled to equitable tolling because he failed to show that he pursued his rights diligently or that an extraordinary circumstance prevented timely filing.
4. No evidentiary hearing was required because the files and records conclusively showed that Johnson was entitled to no relief and his allegations were insufficient to warrant a hearing.

KEY QUOTATIONS

“the files and records of the case conclusively show that the prisoner is entitled to no relief.” (Discussion II)

“Equitable tolling—a court's decision to toll some period of time to allow a petitioner to overcome an otherwise breached limitations period—is an exceptional remedy available to a habeas petitioner”
(Discussion II.B)

“The case is DISMISSED with prejudice.” (Conclusion)

FACTUAL BACKGROUND

A single-count indictment charged Johnson with possessing a firearm as a person previously convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). Johnson pleaded guilty under a plea agreement and was sentenced to 82 months' imprisonment, a downward variance from the applicable guideline range. He did not appeal, and later claimed that counsel was ineffective for failing to advise him about New York State Rifle & Pistol

Association, Inc. v. Bruen and that his Second Amendment rights were violated. He filed his § 2255 motion more than three months after the one-year limitations period under § 2255(f)(1) had expired, while also asserting illness, low intelligence, and kidney failure as reasons for the delay.

PROCEDURAL HISTORY

Johnson pleaded guilty in the underlying criminal case to violating 18 U.S.C. § 922(g)(1) and was sentenced on December 20, 2022, without filing a direct appeal. He filed his § 2255 motion on April 15, 2024. After the motion survived preliminary review, the Government moved to dismiss it as untimely; the court stayed the matter and then granted the motion to dismiss.

DISPOSITION

dismissed

CASES CITED

- United States v. Johnson, No. 21-CR-30176-DWD
- Almonacid v. United States, 476 F.3d 518, 521 (7th Cir. 2007)
- United States v. Taylor, 605 F. Supp. 3d 1079, 1081 (N.D. Ill. 2022)
- Rodriguez v. United States, 286 F.3d 972, 987 (7th Cir. 2002)
- Wyatt v. United States, 574 F.3d 455, 457-458 (7th Cir. 2009)
- Watson v. Anglin, 560 F.3d 687, 690 (7th Cir. 2009)
- McDowell v. Kingston, 497 F.3d 757, 761 (7th Cir. 2007)
- Clay v. United States, 311 F. Supp. 3d 911, 918-919 (N.D. Ill. 2018)
- Edmonds v. Peters, 93 F.3d 1307, 1313 (7th Cir. 1996)
- Galbraith v. United States, 313 F.3d 1001, 1008 (7th Cir. 2002)
- Hartjes v. Endicott, 456 F.3d 786, 790 (7th Cir. 2006)
- Anderson v. United States, 94 F.4th 564, 581 (7th Cir. 2024)
- Hill v. Lockhart, 474 U.S. 52, 59 (1985)
- Tezak v. United States, 256 F.3d 702, 712 (7th Cir. 2001)
- United States v. Jordan, 870 F.2d 1310, 1318 (7th Cir. 1989)
- Rastafari v. Anderson, 278 F.3d 673, 688 (7th Cir. 2002)
- New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 (2022)
- United States v. Rahimi, 144 S. Ct. 1889, 602 U.S. 680 (2024)
- United States v. Hayes, No. 19 C 50104, 2020 WL 2112367, at *2
- Hanson v. United States, 2018 WL 264110, at *2
- Taylor v. Michael, 724 F.3d 806, 810 (7th Cir. 2013)
- Holland v. Florida, 560 U.S. 631 (2010)
- Pace v. DiGuglielmo, 544 U.S. 408, 418 (2005)

- Ray v. Clements, 700 F.3d 993, 1007 (7th Cir. 2012)
- Mayberry v. Dittmann, 904 F.3d 525, 531 (7th Cir. 2018)
- Bruce v. United States, 256 F.3d 592, 597 (7th Cir. 2001)
- United States v. Fleming, 676 F.3d 621, 625 (7th Cir. 2012)
- Tennard v. Dretke, 542 U.S. 274, 281 (2004)
- Arredondo v. Huibregtse, 542 F.3d 1155, 1165 (7th Cir. 2008)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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