

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Charles Michael Williams v. Warden Demetric Godfrey

Williams v. Godfrey · No. 1:26-cv-01002-JDB-jay · Decided April 9, 2026

SUMMARY

The United States District Court for the Western District of Tennessee dismissed Charles Michael Williams's 28 U.S.C. § 2254 petition without prejudice for failure to prosecute after he failed to respond to a show-cause order and update his address. The court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal, certifying that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	April 9, 2026
DOCKET	1:26-cv-01002-JDB-jay
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After the Court's orders were returned as undeliverable and Petitioner failed to respond to an order to show cause or provide a current address, the Court dismissed the petition without prejudice for failure to prosecute, denied a certificate of appealability, and denied leave to proceed in forma pauperis on appeal.
STANDARD OF REVIEW	For a certificate of appealability after a procedural dismissal, the petitioner must show that reasonable jurists could debate both whether the petition states a valid constitutional claim and whether the district court was correct in its procedural ruling. The court also certified that any appeal would not be taken in good faith in denying leave to proceed in forma pauperis.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

PARTIES

Charles Michael Williams v. Warden Demetric Godfrey

TOPICS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

mootness

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed without prejudice for failure to prosecute when Petitioner failed to maintain a current address and failed to respond to the Court's show-cause order.
2. Whether a certificate of appealability should issue after the petition was dismissed on procedural grounds.
3. Whether Petitioner should be permitted to proceed in forma pauperis on appeal.

HOLDINGS

1. A habeas petition may be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) when the petitioner fails to keep the court informed of his whereabouts and fails to comply with an order directing him to respond.
2. A certificate of appealability is denied because reasonable jurists would not debate the correctness of the procedural dismissal for failure to prosecute and noncompliance with the Court's order.
3. Leave to proceed in forma pauperis on appeal is denied, and the court certifies that any appeal would not be taken in good faith.

KEY QUOTATIONS

“The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Petitioner appears to have abandoned this action.”

“Reasonable jurists would not find it debatable whether the Court was correct in its procedural ruling dismissing the Petition for failure to prosecute and for non-compliance with the Court’s order.”

FACTUAL BACKGROUND

Williams filed a pro se § 2254 petition while incarcerated at the Hardeman County Correctional Complex. After he was apparently paroled or discharged, court orders sent to him were returned as undeliverable. He did not provide a change of address or respond to the Court's order to show cause regarding possible mootness.

PROCEDURAL HISTORY

Williams filed a pro se § 2254 petition on January 2, 2026, and was granted leave to proceed in forma pauperis. The order granting IFP and a later order directing him to show cause why the case should not be dismissed as

moot were returned as undeliverable after he was reportedly paroled or discharged. Williams did not update his address or respond to the show-cause order. The district court dismissed without prejudice under Federal Rule of Civil Procedure 41(b), denied a certificate of appealability, and denied IFP status for appeal.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997)

OPINION

Godfrey

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CHARLES MICHAEL WILLIAMS,)

) Petitioner,)) Case No. 1:26-cv-01002-JDB-jay v.))

WARDEN DEMETRIC GODFREY,

) Respondent.)

O R D E R D I S M I S S I N G § 2254 PETITION WITHOUT PREJUDICE FOR FAILURE
TO PROSECUTE,

DENYING CERTIFICATE OF APPEALABILITY,

AND

DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

On January 2, 2026, the Petitioner, Charles Michael Williams, Tennessee Department of Correction prisoner number 237328, then incarcerated at the Hardeman County Correctional Complex in Whiteville, Tennessee, filed a pro se petition under to 28 U.S.C. § 2254 (the “Petition”). (Docket Entry (“D.E.”) 1.) Williams later filed a motion for leave to proceed in forma pauperis (“IFP”) (D.E. 4), which was granted on January 26, 2026 (D.E. 6). The January 26 order was returned as undeliverable on February 23, 2026, with a notation that Williams had been “paroled/discharged.” (D.E. 7.) On March 9, 2026, the Court ordered Petitioner to show cause why the case should not be dismissed as moot, warning that “[f]ailure to file a timely response to the Court’s order will result in the dismissal of the Petition under Federal Rule of Civil Procedure 41(b) for failure to prosecute.” (D.E. 8 at PageID 25.) The March 9 order was returned as undeliverable on March 26, 2026 (D.E. 9), and Petitioner has not provided the Court with a change of address. The most basic responsibility of a litigant is to keep the Court advised of his

whereabouts. Petitioner appears to have abandoned this action. Accordingly, the Petition is DISMISSED WITHOUT PREJUDICE for failure to prosecute. See Fed. R. Civ. P. 41(b). No § 2254 petitioner may appeal without a certificate of appealability (“COA”). 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22(b)(1). To obtain a COA, a petitioner must make “a substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2). Where habeas relief is denied on procedural grounds without reaching the merits of the underlying constitutional claim(s), “a COA should issue [only] when the prisoner shows . . . that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Reasonable jurists would not find it debatable whether the Court was correct in its procedural ruling dismissing the Petition for failure to prosecute and for non-compliance with the Court’s order. Therefore, a COA is DENIED. To appeal IFP in a habeas case under § 2254, the petitioner must obtain pauper status under Federal Rule of Appellate Procedure 24(a). See *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997). A party seeking pauper status on appeal must first file a motion in the district court, along with a supporting affidavit. Fed. R. App. P. 24(a)(1). If the district court certifies that an appeal would not be taken in good faith, or otherwise denies leave to appeal IFP, the petitioner must file his motion to proceed IFP in the appellate court. See Fed. R. App. P. 24(a)(4)-(5). For the same reasons the Court denies a COA, the Court CERTIFIES that any appeal in this matter would not be taken in good faith. Leave to appeal IFP is DENIED.¹ IT IS SO ORDERED this 9th day of April 2026.

s/ J. DANIEL BREEN

UNITED STATES DISTRICT JUDGE

¹If Petitioner files a notice of appeal, he must pay the full \$605 appellate filing fee or file a motion to proceed IFP and supporting affidavit in the Sixth Circuit Court of Appeals within thirty days of the date of entry of this order. See Fed. R. App. P. 24(a)(5).