

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

Supreme Born v. Karen Williams

Born · No. 2:24-cv-1761-AMM-GMB · Decided March 2, 2026

SUMMARY

The United States District Court for the Northern District of Alabama adopted the Magistrate Judge’s recommendation and dismissed Supreme Born’s federal habeas corpus petition with prejudice as untimely. The court rejected Born’s arguments concerning the limitation-period trigger, statutory and equitable tolling, actual innocence, COVID-19 restrictions, and other constitutional claims, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Southern Division
JURISDICTION	United States District Court for the Northern District of Alabama, Southern Division
DECIDED	March 2, 2026
DOCKET	2:24-cv-1761-AMM-GMB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner objected to a magistrate judge's report and recommendation recommending dismissal with prejudice of his 28 U.S.C. § 2254 petition as untimely.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and recommendation and the petitioner's objections, adopted the report, and independently determined that the petition was untimely. A certificate of appealability requires a substantial showing of the denial of a constitutional right, including that reasonable jurists could debate the district court's assessment.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reporter citation or stated precedential designation.
PARTIES	Supreme Born v. Karen Williams

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

actual innocence

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the federal habeas petition was timely under the one-year limitation period in 28 U.S.C. § 2244(d)(1).
2. Whether § 2244(d)(1)(D), rather than § 2244(d)(1)(A), supplied the applicable trigger date for the limitation period.
3. Whether Born's arguments for statutory or equitable tolling, actual innocence, and COVID-19-related filing restrictions avoided dismissal as untimely.
4. Whether Born was entitled to a certificate of appealability.

HOLDINGS

1. The one-year limitation period was triggered under 28 U.S.C. § 2244(d)(1)(A), beginning when Born's conviction became final through the conclusion of direct review or expiration of the time for seeking direct review, rather than under § 2244(d)(1)(D).
2. Born's federal habeas petition was untimely and had to be dismissed with prejudice, notwithstanding his arguments for statutory tolling, equitable tolling, actual innocence, and COVID-19-related filing restrictions.
3. A certificate of appealability was denied because Born did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“the limitation period began to run on the date Mr. Born’s convictions became final by the conclusion of direct review or the expiration of time for seeking direct review.” (at 2)

“This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.”” (at 3)

FACTUAL BACKGROUND

Born was convicted in Alabama state court, and the Alabama Court of Criminal Appeals affirmed his sentence on December 11, 2020, after a second remand. The Alabama court overruled his application for rehearing on January 29, 2021, and Born did not petition the Alabama Supreme Court for certiorari within the applicable fourteen-day period. In his federal habeas petition and objections, Born asserted jurisdictional defects, ineffective assistance, suppression of exculpatory evidence, fabricated evidence, actual innocence, and pandemic-related filing restrictions.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal with prejudice because the federal habeas petition was filed outside the applicable one-year limitation period, even after considering statutory and equitable tolling. Born filed objections reiterating his claims and arguing that a different limitations-period trigger applied. The district court adopted the report and recommendation, accepted the recommendation, dismissed the petition with prejudice, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Gonzalez v. Thaler, 565 U.S. 134, 137 (2012)
- Pugh v. Smith, 465 F.3d 1295, 1299-1300 (11th Cir. 2006)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION SUPREME BORN,)) Petitioner,)) v.) Case No. 2:24-cv-1761-AMM-GMB) KAREN WILLIAMS,)) Respondent.) MEMORANDUM OPINION The Magistrate Judge entered a report, Doc. 18, on October 6, 2025, recommending that the petition for writ of habeas corpus be dismissed with prejudice as untimely.

Petitioner Supreme Born filed objections to the report and recommendation. Doc. 20. In his thirty-eight-page objection, Mr. Born repeats the same arguments he made in his original petition, Doc. 1, amendment, Doc. 7, and in each of his replies, Docs. 9, 10, 13, 15. Doc. 20. Mr. Born contends that: (1) the state court lacked jurisdiction, *id.* at 3, 5, 7, 9–11, 13–14, 19, 24; (2) his trial and appellate counsel were ineffective and appellate counsel acted with “egregious negligence” in abandoning the attorney-client relationship, *id.* at 3–4, 11, 14–20, 23, 26, 28, 31; (3) the prosecution failed to disclose exculpatory evidence *id.* at 5–6, 21–22, 26, 29; (4) the state’s witnesses fabricated evidence *id.* at 6, 8–9, 21–22, 27, 29, 32–36; (5) the affidavit of Tarus Hawkins proves that Mr. Hawkins was not inside the truck during the shooting so Mr. Born is actually innocent *id.* at 6–7, 19, 25–26, 28, 30; and (6) the COVID-19 pandemic restricted his ability to file a writ of certiorari with the Alabama Supreme Court, *id.* at 16, 20.

The Magistrate Judge considered all of these arguments in the report and recommendation and correctly concluded that Mr. Born’s habeas petition is untimely, even after considering his arguments for statutory and equitable tolling. See Doc. 18 at 6–11.

In his objections, Mr. Born also contends that his one-year limitation period for filing a federal habeas action begins to run from “[28 U.S.C. § 2244(d)(1)](D) the date on which the factual

predicate of the claim or claims presented could have been discovered th[rough] the exercise of due diligence.” Doc. 20 at 12. This argument is legally incorrect.

The Magistrate Judge found that the facts before the court establish that Section 2244(d)(1)(A) is the trigger for Mr. Born’s limitation period. Doc. 18 at 6; see 28 U.S.C. § 2244(d)(1). The court agrees—the limitation period began to run on the date Mr. Born’s convictions became final by the conclusion of direct review or the expiration of time for seeking direct review.

Here, the Magistrate Judge accurately determined that: the judgment bec[a]me final on the date that the time for seeking such review expires.” *Gonzalez v. Thaler*, 565 U.S. 134, 137 (2012); *Pugh v. Smith*, 465 F.3d 1295, 1299–300 (11th Cir. 2006).

After the second remand, the ACCA affirmed Born’s sentence on December 11, 2020 2 (Doc. 5-4) and overruled his application for rehearing on January 29, 2021. Doc. 5-5. Born then had 14 days—until February 12, 2021—to petition the Alabama Supreme Court for a writ of certiorari. See Ala. R. App. P. 39(b)(3) (“If an application for rehearing has been filed with the Court of Civil Appeals, the petition for the writ of certiorari shall be filed within 14 days (2 weeks) of the decision of that court on the application for rehearing.”).

Born did not file a petition for writ of certiorari in the Alabama Supreme Court. Because of this failure, his conviction became final on February 12, 2021, along with the expiration of the deadline to file a petition. See *Gonzalez*, 565 U.S. at 137. Doc. 18 at 7.1 Therefore, Mr. Born’s assertion that “he had till December 26, 2024, to file [a] writ of habeas corpus because of the 90 days to file the writ of certiorari in the Supreme Court of Alabama” is simply erroneous, and his objections on these grounds are **OVERRULED**.

Doc. 20 at 18. After careful consideration of the record in this case and the Magistrate Judge’s report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds that the petition for writ of habeas corpus is due to be dismissed with prejudice. 1 There is a scrivener’s error in the Report and Recommendation.

See Doc. 18 at 7. Alabama Rule of Appellate Procedure 39(b)(3) is cited, however, that rule governs procedures in the Alabama Court of Civil Appeals. The applicable rule is Alabama Rule of Appellate Procedure 39(c)(2), which states: “The petition for the writ of certiorari shall be filed... within 14 days (2 weeks) of the decision of the Court of Criminal Appeals on the application for rehearing....” Because the time limitation under both rules is fourteen days, the analysis does not change.

3 A final judgment will be entered. This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v.*

McDaniel, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotations omitted).

The court finds the petitioner’s claims do not satisfy either standard. DONE and ORDERED this 2nd day of March, 2026. UNITED STATES DISTRICT JUDGE