

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Christopher Jarmall Bailey v. Dan Schnurr

Bailey v. Schnurr · No. 25-3221-JWL · Decided December 10, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS
CHRISTOPHER JARMALL BAILEY, Petitioner, v. CASE NO. 25-3221-JWL DAN SCHNURR,
Respondent. MEMORANDUM AND ORDER This matter is a pro se petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner and Kansas state prisoner Christopher Jarmall Bailey. (Doc. 1.) Petitioner has paid the filing fee for this matter.

The Court conducted a review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and concluded that it failed to state a claim for relief that is available in a federal habeas matter. (Doc. 4.)

Accordingly, on October 15, 2025, the Court directed Petitioner to show cause why this matter should not be dismissed without prejudice. *Id.* at 4. Petitioner timely filed a response, which persuaded the Court to allow him time in which to file an amended petition that states a plausible claim for habeas relief. (See Doc. 6, p. 3.)

The Court granted Petitioner until and including December 2, 2025 in which to submit his amended petition. *Id.* at 5. Petitioner was cautioned that “[i]f he fails to timely file an amended petition, this matter may be dismissed without prejudice and without further prior notice to Petitioner.” *Id.* The deadline to file the amended petition has passed and Petitioner has not done so.

Thus, the Court will dismiss this matter without prejudice for failure to state a claim for relief that is available in a federal habeas action, as set forth in the Court’s previous orders. (See Docs. 4 and 6.) Rule 11 of the Rules Governing Section 2254 Cases requires a district court to issue or deny a certificate of appealability (COA) upon entering a final adverse order. “When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a COA should issue when the prisoner shows, at least, 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).

The failure to satisfy either prong requires the denial of a COA. *Id.* at 485. The Court concludes that its procedural ruling in this matter is not subject to debate among jurists of reason. Therefore, the Court declines to issue a certificate of appealability. IT IS THEREFORE ORDERED that this

matter is dismissed without prejudice for failure to state a claim on which habeas relief can be granted.

No certificate of appealability will issue. IT IS SO ORDERED. DATED: This 10th day of December, 2025, at Kansas City, Kansas. S/ John W. Lungstrum JOHN W. LUNGSTRUM United States District Judge

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