

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS

John A. Grimes v. Director, TDCJ-CID

No. 6:25-cv-00408 (E.D. Tex. Jan. 9, 2026) · No. 6:25-cv-00408 · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of Texas dismissed John A. Grimes’s habeas petition without prejudice as an unauthorized second or successive petition under 28 U.S.C. § 2244(b). The court overruled his objections, denied a certificate of appealability, and explained that authorization must first be obtained from the Fifth Circuit.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
WRITING FOR THE COURT	Campbell Barker
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	January 9, 2026
DOCKET	6:25-cv-00408
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner objected to a magistrate judge's report and recommendation recommending dismissal of his 28 U.S.C. § 2254 petition as an unauthorized second or successive petition and denial of a certificate of appealability.
STANDARD OF REVIEW	The district court reviewed the objected-to portions of the magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only
PARTIES	John A. Grimes v. Director, TDCJ-CID

TOPICS

- [federal habeas corpus](#) [successive petitions](#) [actual innocence](#) [appellate procedure](#) [standard of review](#)

PRACTICE AREAS

- [Federal habeas corpus](#) [Post-conviction relief](#) [Appellate procedure](#)

QUESTIONS PRESENTED

1. Whether a second § 2254 petition raising the same claims is successive when the first petition was dismissed as untimely.
2. Whether the successive-petition bar is inapplicable to claims of actual innocence or ineffective assistance of counsel.
3. Whether the district court had jurisdiction to consider an unauthorized second or successive habeas petition.
4. Whether the magistrate judge's report and recommendation should be adopted after de novo review of petitioner's objections.

HOLDINGS

1. A second § 2254 petition raising the same claims is a successive petition even when the first petition was dismissed as untimely.
2. Claims asserting actual innocence or ineffective assistance of counsel are not categorically exempt from the bar on second or successive habeas petitions; the petitioner must first obtain authorization from the appropriate court of appeals and satisfy one of the grounds in § 2244(b)(2).
3. The district court lacked jurisdiction to consider the unauthorized second or successive habeas petition.

KEY QUOTATIONS

“This case is dismissed without prejudice to petitioner’s ability to seek authorization from the U. S. Court of Appeals for the Fifth Circuit to file a successive habeas petition.” (at 3)

FACTUAL BACKGROUND

Grimes brought a habeas action challenging his murder conviction. The petition raised the same claims as an earlier petition that had been dismissed with prejudice. Grimes did not provide authorization from the Fifth Circuit to file a successive petition and did not allege a new retroactive constitutional rule or newly discovered evidence satisfying 28 U.S.C. § 2244(b)(2).

PROCEDURAL HISTORY

Grimes filed a federal habeas petition challenging his murder conviction. The matter was referred to a magistrate judge, who recommended dismissal without prejudice because the petition was an unauthorized second or successive petition and recommended denial of a certificate of appealability. After reviewing the objections de novo, the district court adopted the report and recommendation, overruled the objections, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- Vettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (en banc)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc)
- Cupit v. Whitley, 28 F.3d 532, 535 & n.5 (5th Cir. 1994)
- In re Flowers, 595 F.3d 204, 205 (5th Cir. 2009) (per curiam)
- Burton v. Stewart, 549 U.S. 147, 152-53 (2007) (per curiam)

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