

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

Terrence Learnest Givand v. Chadwick Crabtree and Alabama
Board of Pardons and Paroles

Givand · No. 2:23-cv-487-BL · Decided May 6, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied Terrence Learnest Givand’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the revocation of his parole. The court held that the petition was untimely under the Antiterrorism and Effective Death Penalty Act because it was filed after the limitations period, as tolled during state-court review, expired. The court dismissed the case with prejudice without an evidentiary hearing.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Bill Lewis
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	May 6, 2026
DOCKET	2:23-cv-487-BL
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner petitioned for federal habeas relief under 28 U.S.C. § 2254 challenging the revocation of his parole. Respondents answered that the petition was untimely and meritless. The district court dismissed the petition with prejudice as barred by AEDPA’s one-year statute of limitations.
STANDARD OF REVIEW	The court reviewed the § 2254 petition and answer to determine whether the petition was timely under AEDPA. The court also considered whether equitable tolling was warranted, placing the burden on the petitioner to establish extraordinary circumstances and diligence.
PRECEDENTIAL VALUE	unpublished

PARTIES

Terrence Learnest Givand v. Chadwick Crabtree, Alabama Board of Pardons and Paroles

TOPICS

federal habeas corpus

post-conviction relief

statute of limitations

due process

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Givand's § 2254 petition challenging the revocation of his parole was timely under AEDPA's one-year statute of limitations.
2. Whether Givand was entitled to equitable tolling of the AEDPA limitations period.
3. Whether the petition should be dismissed without an evidentiary hearing and with prejudice.

HOLDINGS

1. For a habeas petitioner challenging a parole revocation, the applicable AEDPA limitations period begins when the factual predicate for the claim could have been discovered, which in this case was the date the Parole Board revoked parole. Properly filed state collateral review tolls the limitations period, but the petition remained untimely because it was filed after the tolled period expired.
2. Equitable tolling was unavailable because Givand did not allege or provide evidence of extraordinary circumstances beyond his control that prevented timely filing despite diligence.

KEY QUOTATIONS

“The petitioner has the burden of establishing his entitlement to equitable tolling; his supporting allegations must be specific and not conclusory.” (II n.3)

FACTUAL BACKGROUND

The Alabama Board of Pardons and Paroles granted Givand parole in March 2017, subject to conditions including that he not violate the law. After his May 2021 arrest on domestic-violence-related charges, a parole hearing officer found sufficient evidence of parole violations and recommended revocation. The Parole Board revoked his parole on June 8, 2021, and ordered that he be reconsidered for parole in 2026.

PROCEDURAL HISTORY

The Alabama Board of Pardons and Paroles revoked Givand's parole on June 8, 2021. Givand filed a state certiorari petition on May 2, 2022; the Montgomery County Circuit Court dismissed it, the Alabama Court of Criminal Appeals affirmed, and the Alabama Supreme Court denied certiorari and issued a certificate of judgment on June 9, 2023. Givand filed the federal § 2254 petition on August 9, 2023, after the federal limitations period had expired.

DISPOSITION

dismissed

CASES CITED

- Ray v. Mitchem, 272 F. App'x 807, 809-10 (11th Cir. 2008)
- Gholston v. Bd. of Pardons & Paroles, 627 So. 2d 945, 947 (Ala. Civ. App. 1993)
- Siebert v. Campbell, 334 F.3d 1018, 1022 (11th Cir. 2003)
- Butler v. Estes, No. 6:15-cv-0162-WMA-JEO, 2015 WL 3626649, at *3 (N.D. Ala. June 10, 2015)
- Baldwin Cnty. Welcome Ctr. v. Brown, 466 U.S. 147, 152 (1984)
- Sandvik v. United States, 177 F.3d 1269, 1271 (11th Cir. 1999)
- Hunter v. Ferrell, 587 F.3d 1304, 1308 (11th Cir. 2009)
- Cole v. Warden, Georgia State Prison, 768 F.3d 1150, 1158 (11th Cir. 2014)

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