

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Michael Irvine v. State of Florida

Irvine · No. 25-cv-22362-ALTMAN · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of Florida dismissed Michael Irvine’s 28 U.S.C. § 2254 petition as untimely under AEDPA. The court held that the limitations period expired in January 1997, that later state postconviction filings did not toll the expired period, and that Irvine had not established any alternative limitations period or exception; the court also denied a certificate of appealability and an evidentiary hearing.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Roy K. Altman
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 20, 2026
DOCKET	25-cv-22362-ALTMAN
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254, challenging the constitutionality of his Florida state-court life sentence. The district court dismissed the petition as untimely under AEDPA, denied a certificate of appealability, denied an evidentiary hearing, and closed the case.
STANDARD OF REVIEW	The court reviewed the § 2254 petition for timeliness under AEDPA's one-year statute of limitations and determined that no statutory or equitable exception applied. It also applied the certificate-of-appealability standard under 28 U.S.C. § 2253(c)(2) and the standard governing the need for an evidentiary hearing in habeas proceedings.
PRECEDENTIAL VALUE	Unknown; a district-court order with no reporter citation or stated precedential status.
PARTIES	Michael Irvine v. State of Florida

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

actual innocence

due process

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Irvine's § 2254 petition was timely under AEDPA's one-year limitations period.
2. Whether Irvine's later state postconviction and state habeas filings statutorily tolled the AEDPA limitations period.
3. Whether any alternative AEDPA limitations period, equitable tolling, or actual-innocence gateway applied.
4. Whether an evidentiary hearing or certificate of appealability was warranted.

HOLDINGS

1. A state prisoner must file a federal habeas petition within one year after the state judgment becomes final, unless another statutory start date or a recognized tolling or gateway exception applies. Irvine's judgment became final on January 19, 1996, and his limitations period began running on January 22, 1996; because he filed no qualifying tolling motion during the ensuing year, the period expired on January 22, 1997.
2. A state postconviction or other collateral application filed after the AEDPA limitations period has expired cannot toll that period.
3. A petitioner who does not allege an impediment caused by state action, a newly recognized retroactive constitutional right, a newly discoverable factual predicate, equitable tolling, or actual innocence cannot rely on those provisions or exceptions to avoid AEDPA's time bar.
4. An evidentiary hearing is unnecessary when the petition is plainly untimely and the allegations do not require factual development.
5. A certificate of appealability is denied because no reasonable jurist would debate the correctness of the district court's procedural ruling that the petition was untimely.

KEY QUOTATIONS

"After careful review, we agree with the State and DISMISS the Petition as untimely." (Order)

"Three hundred and sixteen (316) days after that, Irvine filed his first postconviction motion (on Thursday, December 4, 1997). But that motion didn't toll the limitations period because that limitations period had already expired." (Analysis)

"We therefore ORDER AND ADJUDGE that Michael Irvine's Petition [ECF No. 1] is DISMISSED as time-barred, that a COA is DENIED, that any request for an evidentiary hearing is DENIED, that all deadlines are TERMINATED, and that any pending motions are DENIED as moot." (Disposition)

FACTUAL BACKGROUND

Irvine was convicted in Florida state court of two counts of first-degree murder and two counts of unarmed burglary of an occupied dwelling with an assault. After his original judgment was vacated and he was retried, he was again convicted and sentenced to life imprisonment, less 2,196 days of jail credit. The Third District Court of Appeal affirmed the judgment and denied rehearing on December 20, 1995, after which Irvine did not seek review in the Florida Supreme Court. He later claimed that his life sentence was a true split sentence requiring automatic release to parole after twenty-five years, but he did not assert or substantiate any timeliness exception in the federal proceeding.

PROCEDURAL HISTORY

Irvine was convicted and sentenced in Florida state court in 1993 after a retrial. The Florida Third District Court of Appeal affirmed his conviction and sentence and denied rehearing on December 20, 1995; Irvine did not seek discretionary review in the Florida Supreme Court. He filed a state postconviction motion in December 1997 and a state habeas petition in June 1998, after the AEDPA limitations period had expired. He filed the federal § 2254 petition in 2025, and the district court dismissed it as time-barred.

DISPOSITION

dismissed

CASES CITED

- Paez v. Sec'y, Fla. Dep't of Corr., 947 F.3d 649, 652 (11th Cir. 2020)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Pace v. DiGuglielmo, 544 U.S. 408, 418 (2005)
- Rozzelle v. Sec'y, Fla. Dep't of Corr., 672 F.3d 1000, 1011 (11th Cir. 2012)
- Arthur v. Allen, 452 F.3d 1234, 1245 (11th Cir. 2006)
- Schlup v. Delo, 513 U.S. 298, 324 (1995)
- Bousley v. United States, 523 U.S. 614, 623 (1998)
- Mobley v. Sec'y, Fla. Dep't of Corr., 2023 WL 270143, at *2 (M.D. Fla. Jan. 18, 2023)
- Crowell v. Sec'y, Dep't of Corr., 2024 WL 947523, at *2 (N.D. Fla. Feb. 2, 2024)
- Truesdale v. Sec'y, Dep't of Corr., 2015 WL 9474614, at *2 (M.D. Fla. Dec. 29, 2015)
- Chin v. United States, 2019 WL 3857898, at *2 n.5 (M.D. Fla. Aug. 16, 2019)
- Stephens v. Sec'y, Dep't of Corr., 2019 WL 4918711, at *2 (M.D. Fla. Oct. 4, 2019)
- Burns v. Sec'y, Fla. Dep't of Corr., 2025 WL 1697152, at *3 (M.D. Fla. June 17, 2025)
- Sibley v. Culliver, 377 F.3d 1196, 1204 (11th Cir. 2004)
- Webster v. Moore, 199 F.3d 1256, 1259 (11th Cir. 2000)
- Mingst v. Dixon, 2022 WL 16857028, at *4 (S.D. Fla. Nov. 10, 2022)
- Jones v. United States, 304 F.3d 1035, 1040 (11th Cir. 2002)
- Castillo v. Dixon, 2022 WL 2651623, at *5 (S.D. Fla. July 8, 2022)

- United States v. Campbell, 26 F.4th 860, 873 (11th Cir. 2022)
- Hamilton v. Southland Christian Sch., Inc., 680 F.3d 1316, 1319 (11th Cir. 2012)
- In re Egidi, 571 F.3d 1156, 1163 (11th Cir. 2009)
- Winthrop-Redin v. United States, 767 F.3d 1210, 1216 (11th Cir. 2014)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Eagle v. Linahan, 279 F.3d 926, 935 (11th Cir. 2001)
- Franklin v. Hightower, 215 F.3d 1196, 1199 (11th Cir. 2000)

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