

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Valemar D. Blade v. Warden Angela Stuff

Blade · No. 1:24-CV-02234 · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of Ohio adopts the magistrate judge’s Report and Recommendation and grants the respondent’s motion to dismiss Valemar D. Blade’s 28 U.S.C. § 2254 habeas petition. The court concludes that Blade failed to exhaust his state-court remedies and dismisses the mixed petition without prejudice, declining to stay the matter or permit amendment to proceed only on exhausted claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Bridget Meehan Brennan
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	March 27, 2026
DOCKET	1:24-CV-02234
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner brought a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court reviewed the magistrate judge's Report and Recommendation de novo in light of Petitioner's objections and considered Respondent's motion to dismiss.
STANDARD OF REVIEW	The district court conducted de novo review of the portions of the Report and Recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). It applied AEDPA standards to the state-court determinations and reviewed objections that merely disagreed with or restated prior arguments without de novo consideration.
PRECEDENTIAL VALUE	unpublished
PARTIES	Valemar D. Blade v. Warden Angela Stuff

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

procedural due process

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether Blade had exhausted available state remedies for the federal constitutional claims raised in his § 2254 petition.
2. Whether the petition was a mixed petition containing both exhausted and unexhausted claims and, if so, whether dismissal, stay and abeyance, or deletion of unexhausted claims was appropriate.
3. Whether dismissal without prejudice would unreasonably impair Blade's ability to obtain federal habeas relief and therefore warranted prospective equitable tolling subject to conditions.
4. Whether Blade's objections to the Report and Recommendation required de novo review.
5. Whether Blade's motion for an evidentiary hearing should be granted.

HOLDINGS

1. A federal habeas petitioner must fairly present federal constitutional claims to the state's highest court through the state's complete appellate review process, and Blade had failed to exhaust several claims because overlapping state post-conviction motions remained pending or had not been fully appealed.
2. Because Blade presented a mixed petition and did not establish grounds for a stay and abeyance or demonstrate which claims were exhausted and could proceed separately, dismissal of the entire petition without prejudice was appropriate.
3. When dismissal of an unexhausted habeas petition could make a later federal filing untimely, a court may prospectively toll the AEDPA limitation period subject to conditions designed to ensure expeditious exhaustion and refiling.
4. Only specific objections identifying the challenged portions of a Report and Recommendation and the basis for the objection warrant de novo review; generalized disagreement or repetition of earlier arguments does not.
5. The motion for an evidentiary hearing was denied as moot because the habeas petition was dismissed without prejudice for failure to exhaust.

KEY QUOTATIONS

"A mixed petition contains exhausted and unexhausted claims." (at 850)

"Under Rhines, Petitioner has not demonstrated a stay is warranted." (at 851)

"Dismissal without prejudice is appropriate here, it is possible the AEDPA statute of limitations could expire while Petitioner exhausts his claims in state court." (at 854)

FACTUAL BACKGROUND

Blade was convicted in three Cuyahoga County criminal cases arising from separate incidents involving firearms, domestic violence, and child endangerment. The state trial court imposed consecutive prison terms totaling nine years. His direct appeal and subsequent application to reopen the appeal were unsuccessful, but he continued to pursue state post-conviction relief and related motions. He filed a federal § 2254 petition raising twelve grounds while state proceedings involving overlapping constitutional claims remained unresolved.

PROCEDURAL HISTORY

Blade was convicted in three Cuyahoga County, Ohio criminal cases and received an aggregate nine-year consecutive sentence. The Ohio Eighth District Court of Appeals affirmed, and the Supreme Court of Ohio declined jurisdiction on direct review and on review of the denial of reopening. Blade filed this federal habeas petition while state post-conviction matters and related motions remained pending. The magistrate judge recommended dismissal without prejudice for failure to exhaust and because the petition was mixed; the district court adopted the recommendation, dismissed the petition without prejudice, denied the evidentiary-hearing motion as moot, and imposed prospective equitable-tolling conditions.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand to a lower court. Blade was directed to return to state court within 30 days of the order and to refile his federal habeas petition within 30 days after exhausting state remedies. Failure to comply could result in loss of prospective equitable tolling and a time-barred petition.

CASES CITED

- State v. Blade, No. 112084, 2023 Ohio App. LEXIS 3031, 2023 WL 5621712 (Ohio Ct. App. Aug. 31, 2023)
- State v. Blade, 223 N.E.3d 1257 (Table) (2023)
- State v. Blade, 244 N.E.3d 1170 (Table) (2024)
- Blade v. Corrigan, 2025-0725, 265 N.E.3d 77 (Table) (2025)
- Nathaniel Brent v. Wayne Cty. Dep't of Human Servs., Brent v. Wayne County Department of Human Services, 901 F.3d 656, 694 (6th Cir. 2018)
- Ghaster v. City of Rocky River, 913 F. Supp. 2d 443, 454-55 (N.D. Ohio 2012)
- Burt v. Titlow, 571 U.S. 12, 19 (2013)
- Fields v. Jordan, 86 F.4th 218, 231 (6th Cir. 2023)
- White v. Woodall, 572 U.S. 415, 419 (2014)
- Renico v. Lett, 559 U.S. 766, 773 (2010)
- Harrington v. Richter, 562 U.S. 86, 102-03 (2011)

- Powell v. United States, 37 F.3d 1499 (Table), 1994 U.S. App. LEXIS 27813, 1994 WL 532926, at *1 (6th Cir. Sept. 30, 1994)
- Schriro v. Landrigan, 550 U.S. 465, 473 (2007)
- Woodson v. Ohio, No. 19-CV-339, 2022 U.S. Dist. LEXIS 51388, 2022 WL 842240, at *1 (N.D. Ohio Mar. 22, 2022)
- Aldrich v. Bock, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004)
- Herbert v. Billy, 160 F.3d 1131, 1134 (6th Cir. 1998)
- Warren v. Smith, 161 F.3d 358, 360-61 (6th Cir. 1998)
- Gibbs v. Huss, 12 F.4th 544, 546 (6th Cir. 2021)
- Houston v. Lack, 487 U.S. 266, 270 (1988)
- Robinson v. Horton, 950 F.3d 337, 343 (6th Cir. 2020)
- Duncan v. Henry, 513 U.S. 364, 365 (1995)
- Fulcher v. Motley, 444 F.3d 791, 798 (6th Cir. 2006)
- Caver v. Straub, 349 F.3d 340, 345 (6th Cir. 2003)
- Engle v. Isaac, 456 U.S. 107, 125 n.28 (1982)
- Wiley v. Sowders, 647 F.2d 642, 647 (6th Cir. 1981)
- Williams v. Anderson, 460 F.3d 789, 806 (6th Cir. 2006)
- Wainwright v. Sykes, 433 U.S. 72, 80, 84-87 (1977)
- McBride v. Skipper, 76 F.4th 509, 513-14 (6th Cir. 2023)
- Duncan v. Walker, 533 U.S. 167, 181-82 (2001)
- Picard v. Connor, 404 U.S. 270, 275-76 (1971)
- Peterson v. Stuff, No. 25-CV-679, 2026 U.S. Dist. LEXIS 46, 2026 WL 18607, at *4 (N.D. Ohio Jan. 2, 2026)
- Esters v. Vashaw, No. 20-cv-12882, 2021 U.S. Dist. LEXIS 250586, 2021 WL 6495041, at *2 (E.D. Mich. June 30, 2021)
- Wall v. Kholi, 562 U.S. 545, 551 (2011)
- Artuz v. Bennett, 531 U.S. 4, 8-9 (2000)
- Papenfus v. Tibbals, 289 F. Supp. 2d 897, 901 (N.D. Ohio 2003)
- Kincade v. Wolfenbarger, 324 F. App'x 482, 487 (6th Cir. 2009)
- Kearns v. Ohio Adult Parole Authority, No. 22-CV-00390, 2022 U.S. Dist. LEXIS 240687, 2022 WL 19334260, at *9 (N.D. Ohio Dec. 28, 2022)
- Thompson v. Shelton, No. 13-CV-00529, 2014 U.S. Dist. LEXIS 7165, 2014 WL 223378, at *9 (N.D. Ohio Jan. 21, 2014)
- Dunford v. Tibbals, No. 11CV2028, 2013 U.S. Dist. LEXIS 151783, 2013 WL 5726083, at *12-13 (N.D. Ohio Sept. 30, 2013)
- Moon v. Robinson, No. 12CV1396, 2013 U.S. Dist. LEXIS 108799, 2013 WL 3991886, at *8 (N.D. Ohio Aug. 2, 2013)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 508-09 (6th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)

- Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007)
- Middleton v. Octapharma Plasma, Inc., No. 19-1943, 2020 U.S. App. LEXIS 9585, 2020 WL 5000070, at *1 (6th Cir. Mar. 26, 2020)

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