

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Williams v. Dismukes

Williams v. Dismukes · No. 5:26-cv-00077-MR · Decided May 14, 2026

SUMMARY

The United States District Court for the Western District of North Carolina dismissed Troshawn N. Williams’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 as untimely under the Antiterrorism and Effective Death Penalty Act. The court held that the petitioner had not established statutory or equitable tolling and noted that his claims were also unexhausted and procedurally defaulted. The court declined to issue a certificate of appealability and denied the motion to proceed in forma pauperis as moot.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
WRITING FOR THE COURT	Martin Reidinger, Chief United States District Judge
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	May 14, 2026
DOCKET	5:26-cv-00077-MR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. After ordering the petitioner to explain why the petition should not be dismissed as untimely, the district court dismissed the petition and denied a certificate of appealability.
STANDARD OF REVIEW	A petitioner seeking equitable tolling of the federal habeas limitations period must show that he diligently pursued his rights and that an extraordinary circumstance stood in his way. The court also applied the AEDPA limitations provisions governing the timeliness of § 2254 petitions.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Troshawn N. Williams v. Leslie Cooley Dismukes, Secretary, North Carolina Department of Adult Correction

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

default

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Statute of limitations

Equitable tolling

QUESTIONS PRESENTED

1. Whether the § 2254 petition was barred by the one-year statute of limitations under 28 U.S.C. § 2244(d) (1).
2. Whether the petitioner established entitlement to equitable tolling based on an alleged abdominal emergency surgery and prison-related circumstances.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. The § 2254 petition was untimely because the petitioner's state-court judgment became final on May 14, 2021, the one-year limitations period expired on May 16, 2022, and the petition was not filed until March 30, 2026.
2. The petitioner was not entitled to equitable tolling because he failed to show either that an extraordinary circumstance prevented timely filing or that he diligently pursued his rights.
3. The court declined to issue a certificate of appealability.

KEY QUOTATIONS

“Equitable tolling of the statute of limitations for an untimely § 2254 petition may apply where the petitioner demonstrates “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way” to prevent timely filing.” (Discussion)

“Since Petitioner did not seek Supreme Court review, his judgment thus became final on Friday, May 14, 2021, one hundred fifty days following the issuance of the North Carolina Supreme Court’s decision denying discretionary review.” (Discussion)

FACTUAL BACKGROUND

Williams is a North Carolina prisoner who was convicted pursuant to an Alford plea of second-degree murder and being a felon in possession of a firearm. His direct appeal concluded when the North Carolina Supreme Court denied discretionary review on December 15, 2020, and he did not seek further review or file a state collateral challenge. He filed his federal habeas petition on March 30, 2026, asserting claims concerning his name, plea, continued dangerousness, and trial counsel. To explain the delay, he relied primarily on an abdominal emergency surgery following a March 15, 2020 prison altercation.

PROCEDURAL HISTORY

Williams was convicted in Iredell County Superior Court pursuant to an Alford plea and received a sentence of 325 to 402 months. The North Carolina Court of Appeals affirmed, and the North Carolina Supreme Court

denied discretionary review on December 15, 2020. Williams did not seek United States Supreme Court review or pursue state post-conviction relief, and filed this § 2254 petition on March 30, 2026. The district court determined that the petition was untimely and that equitable tolling was unavailable.

DISPOSITION

dismissed

CASES CITED

- North Carolina v. Alford, 400 U.S. 25 (1970)
- State v. Williams, No. COA18-1130, slip op. at 2 (N.C. App. 2020) (unpublished)
- State v. Williams, No. 45P20-1 (N.C. Dec. 15, 2020)
- Clay v. United States, 537 U.S. 522, 527 (2003)
- Hill v. Braxton, 277 F.3d 701, 706 (4th Cir. 2002)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Pace v. DiGuglielmo, 544 U.S. 408, 418 (2005)
- Rouse v. Lee, 339 F.3d 238, 246 (4th Cir. 2003) (en banc)
- Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000)
- Miller-El v. Cockrell, 537 U.S. 322, 338 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)