

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Reginald A. Kane v. Tommy Williams

No. 25-3214-JWL (D. Kan. Dec. 5, 2025) · No. 25-3214-JWL · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Kansas dismissed Reginald A. Kane’s 28 U.S.C. § 2254 habeas petition as untimely. The court rejected his arguments for equitable tolling based on counsel’s communication failures and limited law-library access during the COVID-19 pandemic, concluding that he had not shown diligent pursuit of his claims or extraordinary circumstances. The court dismissed the matter with prejudice and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 5, 2025
DOCKET	25-3214-JWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After the court issued an order to show cause explaining that the petition appeared untimely and that equitable tolling did not apply, Petitioner responded. The court dismissed the petition with prejudice as time-barred and denied a certificate of appealability.
STANDARD OF REVIEW	The court liberally construed the pro se response and accepted its factual allegations as true for purposes of evaluating equitable tolling. It reviewed the timeliness issue under the federal habeas statute of limitations and evaluated the denial of a certificate of appealability under 28 U.S.C. § 2253(c)(2) and Slack v. McDaniel.
PRECEDENTIAL VALUE	unpublished
PARTIES	Reginald A. Kane v. Tommy Williams

TOPICS

- federal habeas corpus
- statute of limitations
- post-conviction relief
- actual innocence
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

statute of limitations

appellate procedure

QUESTIONS PRESENTED

1. Whether Kane was entitled to equitable tolling of the one-year federal habeas limitations period based on counsel's delayed communication, counsel's failure to file a certiorari petition, and restricted law-library access during the COVID-19 pandemic.
2. Whether the untimely § 2254 petition should be dismissed with prejudice.
3. Whether Kane was entitled to a certificate of appealability after the petition was denied on procedural grounds.

HOLDINGS

1. Kane was not entitled to equitable tolling because he failed to demonstrate both diligent pursuit of his claims and extraordinary circumstances beyond his control that prevented timely filing.
2. The petition was untimely because the federal habeas limitations period expired on July 22, 2025, while Kane filed his petition on August 23, 2025.
3. No certificate of appealability would issue because the court's procedural ruling was not debatable among jurists of reason.

KEY QUOTATIONS

“Equitable tolling is available only “when an inmate diligently pursues his claims and demonstrates that the failure to timely file was caused by extraordinary circumstances beyond his control.”” (at 3)

“Petitioner’s attorney failing to promptly notify him when the Kansas Supreme Court denied review in his direct appeal and failing to file a petition for writ of certiorari are not extraordinary circumstances that justify equitable tolling.” (at 3)

“In short, Petitioner has failed to demonstrate that he diligently pursued the claims he now raises in his federal habeas petition but was prevented from timely filing the petition by extraordinary circumstances beyond his control.” (at 4)

FACTUAL BACKGROUND

Kane is a Kansas state prisoner challenging a state-court judgment through a § 2254 petition. The judgment became final on January 28, 2021, and the federal limitations period began the following day. Kane filed a Kansas K.S.A. 60-1507 motion on March 5, 2021, which statutorily tolled the federal limitations period; after the Kansas Supreme Court denied review, the period resumed and expired on July 22, 2025. Kane filed his federal petition on August 23, 2025, and attributed the delay to counsel's failure to notify him promptly of the denial of direct-review proceedings, counsel's failure to seek certiorari, and COVID-19-related restrictions on law-library access.

PROCEDURAL HISTORY

Kane filed a § 2254 petition on August 23, 2025, challenging a Kansas state-court judgment. The court previously determined that the federal one-year limitations period expired on July 22, 2025, after statutory tolling during the state post-conviction proceedings, and ordered Kane to show cause why the petition should not be dismissed. Kane's response relied on delayed attorney communication, counsel's failure to file a certiorari petition, and restricted law-library access during COVID-19, but did not establish extraordinary circumstances or diligent pursuit sufficient for equitable tolling. The court dismissed the petition with prejudice and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Gibson v. Klinger, 232 F.3d 799, 808 (10th Cir. 2000)
- Marsh v. Soares, 223 F.3d 127, 1220 (10th Cir. 2000)
- Yang v. Archuleta, 525 F.3d 925, 929 (10th Cir. 2008)
- Holland v. Florida, 560 U.S. 631, 651 (2010)
- Miller v. Marr, 141 F.3d 976, 978 (10th Cir. 1998)
- Donald v. Pruitt, 853 Fed. Appx. 230, 234 (10th Cir. 2021)
- Levering v. Dowling, 721 Fed. Appx. 783, 788 (10th Cir. 2018)
- Haney v. Addison, 175 F.3d 1217, 1219-1221 (10th Cir. 1999)
- Navarette v. Horton, 2023 WL 1773856, *1 (10th Cir. 2023)
- Slack v. McDaniel, 529 U.S. 473, 484-485 (2000)

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