

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Robert Travis Jenkins v. Dan Schnurr

Jenkins v. Schnurr · No. 25-3076-JWL · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Kansas considers Robert Travis Jenkins’s 28 U.S.C. § 2254 habeas petition challenging a Kansas aggravated-robbery conviction. The court concludes that the petition was filed outside the one-year AEDPA limitations period and that Jenkins has not established entitlement to equitable tolling or the actual-innocence exception. The matter is therefore dismissed as untimely.

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	January 14, 2026
DOCKET	25-3076-JWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court dismissed the petition with prejudice as untimely and denied a certificate of appealability.
STANDARD OF REVIEW	The court applied the AEDPA statute-of-limitations framework and considered whether equitable tolling or the actual-innocence gateway excused the untimely petition. For actual innocence, it considered whether new reliable evidence made it more likely than not that no reasonable juror would have convicted petitioner beyond a reasonable doubt.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive value only
PARTIES	Robert Travis Jenkins v. Dan Schnurr

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Statute of limitations

Appellate procedure

QUESTIONS PRESENTED

1. Whether Jenkins's § 2254 petition was filed within AEDPA's one-year statute of limitations.
2. Whether Jenkins was entitled to statutory tolling under 28 U.S.C. § 2244(d)(2).
3. Whether extraordinary circumstances and diligent pursuit warranted equitable tolling of the AEDPA limitations period.
4. Whether Jenkins's allegations and purported new evidence satisfied the actual-innocence exception to the AEDPA statute of limitations.
5. Whether Jenkins was entitled to a certificate of appealability.

HOLDINGS

1. The § 2254 petition was untimely because the one-year AEDPA limitations period ran from October 8, 2019 through October 8, 2020, while Jenkins did not file his federal petition until April 2025.
2. Jenkins was not entitled to equitable tolling because he did not demonstrate that extraordinary circumstances beyond his control caused his untimely filing while he diligently pursued his federal claims.
3. Jenkins failed to satisfy the actual-innocence gateway because he presented no new reliable evidence and offered only descriptions, speculation, and conjecture concerning evidence that might exist.
4. A certificate of appealability was denied because reasonable jurists would not debate the court's procedural ruling and Jenkins did not make the required substantial showing.

KEY QUOTATIONS

“Simply put, it is not enough for Petitioner to describe evidence that, if it exists, could create reasonable doubt in the mind of a reasonable juror. He must present the evidence to the Court.” (Analysis, Actual Innocence Exception)

“Petitioner has failed to satisfy the high standard required to proceed through the actual innocence gateway and, because he has also failed to show that he is entitled to equitable tolling of the federal habeas statute of limitations, this matter must be dismissed as untimely filed.” (Conclusion)

FACTUAL BACKGROUND

In 2016, a Seward County, Kansas jury convicted Jenkins of aggravated robbery and the state district court sentenced him to 221 months. The conviction arose from an altercation involving Abdifathah Hassan Hashi, who reported that Jenkins assaulted him and took cash, a cell phone, and a debit card; police recovered Hashi's phone and cash from the vehicle in which Jenkins was traveling. Jenkins denied taking Hashi's property and argued that the evidence and witness accounts were inconsistent. In the federal proceeding, Jenkins identified purported new evidence concerning a video, financial records, a witness, and the parties' cell phones, but he did not submit that evidence to the court.

PROCEDURAL HISTORY

Jenkins was convicted in Kansas state court of aggravated robbery and sentenced to 221 months. His direct appeal became final when the United States Supreme Court denied review on October 7, 2019. He filed a Kansas post-conviction motion under K.S.A. 60-1507 in November 2021, and filed this federal § 2254 petition in April 2025. After briefing and review of additional state-court records, the district court concluded that the petition was untimely, that equitable tolling was unwarranted, and that Jenkins failed to satisfy the actual-innocence exception.

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)
- Holland v. Florida, 560 U.S. 631, 651-52 (2010)
- Lawrence v. Florida, 549 U.S. 327, 336-37
- Dominguez v. Hatch, 440 Fed. Appx. 624, 626 (10th Cir. Sep. 23, 2011) (unpublished)
- Baker v. State, 297 Kan. 486, 490 (2013)
- McQuiggin v. Perkins, 569 U.S. 383, 386 (2013)
- Bousley v. United States, 523 U.S. 614, 623-24
- Schlup v. Delo, 513 U.S. 298, 324, 327
- House v. Bell, 547 U.S. 518, 536-37
- Fontenot v. Crow, 4 F.4th 982, 1030-32
- Taylor v. Powell, 7 F.4th 920, 926-27
- Donaldson v. Langford, 2025 WL 1664004, *7 (D. Kan. June 12, 2025) (unpublished)
- Scott v. Bridges, 2023 WL 5016642, *11 (E.D. Okla. Aug. 7, 2023) (unpublished opinion and order)
- Slack v. McDaniel, 529 U.S. 473, 484-85
- Golden v. Den-Mat Corp., 47 Kan. App. 2d 450, 465, 276 P.3d 773
- State v. Bellinger, 47 Kan. App. 2d 776, 807, 278 P.3d 975 (Atcheson, J., dissenting)

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