

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

John Gawron, III v. Jerry Spatny, Warden, Grafton Correctional
Institution

No. 2:25-cv-00628, United States District Court for the Southern District of Ohio (February 13, 2026)

SUMMARY

The magistrate judge recommends dismissing John Gawron III’s federal habeas corpus petition as untimely under the Antiterrorism and Effective Death Penalty Act. The recommendation concludes that Gawron did not present new evidence sufficient to invoke the actual-innocence gateway recognized in *McQuiggin v. Perkins*, and also recommends denying a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Michael R. Merz
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	February 13, 2026
DOCKET	2:25-cv-00628
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent moved to dismiss the petition as untimely under the Antiterrorism and Effective Death Penalty Act's one-year statute of limitations. The magistrate judge issued a Report and Recommendations recommending dismissal with prejudice and denial of a certificate of appealability.
STANDARD OF REVIEW	A federal habeas petition filed after expiration of the AEDPA limitations period is untimely unless a statutory or equitable basis for tolling or an actual-innocence gateway applies. To invoke the actual-innocence gateway, a petitioner must present persuasive new evidence sufficient to show that, in light of that evidence, no reasonable juror would have voted to find the petitioner guilty beyond a reasonable doubt.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

John Gawron, III v. Jerry Spatny, Warden, Grafton Correctional Institution

TOPICS

federal habeas corpus

statute of limitations

actual innocence

motions to dismiss

post-conviction relief

PRACTICE AREAS

Federal habeas corpus

post-conviction relief

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QUESTIONS PRESENTED

1. Whether the federal habeas petition was barred by the AEDPA one-year statute of limitations.
2. Whether petitioner established an actual-innocence gateway permitting review of an otherwise untimely habeas petition.
3. Whether the petition should be dismissed with prejudice and petitioner denied a certificate of appealability.

HOLDINGS

1. The petition was untimely because it was filed after the one-year limitations period calculated from the date the state conviction became final on direct review.
2. Petitioner did not satisfy the actual-innocence gateway because he presented no new evidence, much less persuasive new evidence sufficient to show that no reasonable juror would have voted to convict.

KEY QUOTATIONS

“[A]ctual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in Schlup and House, or, as in this case, expiration of the statute of limitations.”

“Simply put, Petitioner here has presented no new evidence at all, much less evidence sufficient to persuade the Court that no rational juror would have voted to convict if he or she had heard this new evidence.”

FACTUAL BACKGROUND

Gawron's state conviction became final, according to respondent's calculation, on November 9, 2021, when the period for seeking review in the Supreme Court of Ohio expired. The one-year federal habeas limitations period therefore expired on November 9, 2022. Gawron placed his federal habeas petition in the prison mailing system on May 8, 2025, and asserted that actual innocence excused the late filing, but he identified no new evidence supporting that assertion.

PROCEDURAL HISTORY

Gawron's conviction arose in the Belmont County Court of Common Pleas. Respondent moved to dismiss the federal habeas petition as untimely. The magistrate judge concluded that the petition was filed well after the one-

year limitations period and that Gawron had not established an actual-innocence gateway because he presented no new evidence; the magistrate judge therefore recommended dismissal with prejudice, denial of a certificate of appealability, and certification that an appeal would be objectively frivolous.

DISPOSITION

other

CASES CITED

- In re Davis, 557 U.S. 952 (2009)
- Triestman v. United States, 124 F.3d 361, 377-380 (2d Cir. 1997)
- McQuiggin v. Perkins, 569 U.S. 383 (2013)
- Souter v. Jones, 395 F.3d 577 (6th Cir. 2005)
- Schlup v. Delo, 513 U.S. 298 (1995)
- House v. Bell, 547 U.S. 518 (2006)

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