

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Gray v. Easley

Gray · No. 25-3197-JWL · Decided February 27, 2026

SUMMARY

The United States District Court for the District of Kansas grants Petitioner Marvin L. Gray, Jr.’s motion to stay his 28 U.S.C. § 2254 habeas proceedings and hold them in abeyance. The stay permits Gray to exhaust ineffective-assistance claims in state court under K.S.A. 60-1507, with a status report due by May 27, 2026.

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               | February 27, 2026                                                                                                                                                                                |
| DOCKET                | 25-3197-JWL                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Petitioner filed a federal habeas petition under 28 U.S.C. § 2254 and moved to stay the case and hold it in abeyance while he exhausted ineffective-assistance-of-counsel claims in state court. |
| STANDARD OF REVIEW    | The court applied the factors governing stays and abeyances of mixed habeas petitions under Rhines v. Weber.                                                                                     |
| PRECEDENTIAL VALUE    | Unpublished district court memorandum and order; persuasive authority only.                                                                                                                      |
| PARTIES               | Marvin L. Gray, Jr. v. Tim Easley                                                                                                                                                                |

TOPICS

- federal habeas corpus
- state post-conviction relief
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- state post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas proceeding should be stayed and held in abeyance while petitioner exhausts available state-court remedies for unexhausted ineffective-assistance-of-counsel claims.
2. Whether dismissal without prejudice would risk barring a later federal habeas petition under the applicable statute of limitations.

## HOLDINGS

1. A stay and abeyance is appropriate because petitioner established good cause for failing to exhaust before filing, the unexhausted claims are not plainly meritless, and there is no evidence of intentional delay.
2. The court may stay the proceeding rather than dismiss it without prejudice where dismissal would likely cause the federal habeas statute of limitations to bar a later petition after state proceedings conclude.

## KEY QUOTATIONS

*“This matter will be stayed and held in abeyance while Petitioner returns to state court to exhaust available remedies.”*

*“The Court has considered the relevant factors set out in Rhines v. Weber, 544 U.S. 269, 277-78 (2005), and concludes that good cause exists for Petitioner’s failure to exhaust all claims prior to filing his federal habeas petition, the unexhausted claims are not plainly meritless, and there is no evidence that Petitioner intentionally delayed any proceedings.”*

## FACTUAL BACKGROUND

Marvin L. Gray, Jr., a Kansas state prisoner, filed a federal petition for writ of habeas corpus under 28 U.S.C. § 2254. He sought to exhaust ineffective-assistance-of-counsel claims through a state-court motion under K.S.A. 60-1507. The court found good cause for the prior failure to exhaust, determined that the unexhausted claims were not plainly meritless, and found no evidence of intentional delay.

## PROCEDURAL HISTORY

Gray filed a § 2254 petition while some claims remained unexhausted. He represented that he had filed a motion under K.S.A. 60-1507 in state court and sought a stay rather than dismissal. The district court granted the motion, stayed the federal proceeding, and required periodic status reports.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The federal habeas matter is stayed pending completion of the related K.S.A. 60-1507 proceedings. Petitioner must file a written status report by May 27, 2026 describing progress in the state proceedings and providing the state-court case number; the court will issue further orders as necessary.

## CASES CITED

- Rhines v. Weber, 544 U.S. 269, 277-78 (2005)

## OPINION

IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT FOR THE DISTRICT OF KANSAS District of Kansas 02/27/2026 MARVIN L. GRAY, JR., Clerk, U.S. District C By:\_SND Deputy Cle Petitioner, v. CASE NO. 25-3197-JWL TIM EASLEY, Respondents. MEMORANDUM AND ORDER This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner and state prisoner Marvin L. Gray, Jr. It comes before the Court on Petitioner's motion to stay this case and hold it in abeyance so that he may exhaust state court remedies for claims of ineffective assistance of counsel.

(Doc. 18; see also Doc. 12.) Petitioner states in his motion that he has filed in state court "a motion pursuant to K.S.A. 60-1507 in which he request[s] to address the ineffectiveness claims." (Doc. 18.) The Court has considered the relevant factors set out in *Rhines v. Weber*, 544 U.S. 269, 277-78 (2005), and concludes that good cause exists for Petitioner's failure to exhaust all claims prior to filing his federal habeas petition, the unexhausted claims are not plainly meritless, and there is no evidence that Petitioner intentionally delayed any proceedings.

In addition, the Court notes that if it dismisses this matter without prejudice—rather than staying it and holding it in abeyance—the statute of limitations applicable to federal habeas petitions would likely bar him from filing a new petition after the state court proceedings end.

Thus, Petitioner's motion will be granted. This matter will be stayed and held in abeyance while Petitioner returns to state court to exhaust available remedies. Petitioner will be required to file periodic status reports with this Court regarding the progress of the state court proceedings.

The first status report, which will be due on or before May 27, 2026, should inform the Court of the case number assigned to the relevant K.S.A. 60-1507 case. IT IS THEREFORE ORDERED THAT the motion to stay this matter and hold it in abeyance (Doc. 18) is granted. This matter is STAYED pending completion of the related state court proceedings under K.S.A. 60-1507.

Petitioner is directed to file a written status report with this Court on or before May 27, 2026 informing the Court of any progress of the state court proceedings and the case number of those proceedings. Upon receipt and review of the status report, this Court will issue further orders as necessary. IT IS SO ORDERED. DATED: This 27th day of February, 2026, at Kansas City, Kansas.

S/ John W. Lungstrum JOHN W. LUNGSTRUM United States District Judge