

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Gray v. Easley

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

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

