

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA, SOUTHERN DIVISION

Donnie Wayne Brown v. Warden Smith

Brown · No. 2:25-cv-222-ACA-SGC · Decided March 31, 2026

SUMMARY

The United States District Court for the Northern District of Alabama dismisses Donnie Wayne Brown’s 28 U.S.C. § 2254 habeas petition as untimely and adopts the magistrate judge’s report and recommendation. The court grants a certificate of appealability limited to whether attorney abandonment constituted an extraordinary circumstance supporting equitable tolling.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama, Southern Division
WRITING FOR THE COURT	Annemarie Carney Axon
JURISDICTION	United States District Court for the Northern District of Alabama
DECIDED	March 31, 2026
DOCKET	2:25-cv-222-ACA-SGC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After the magistrate judge recommended dismissal as untimely, petitioner objected. The district court overruled the objections, adopted the report and recommendation, dismissed the petition as untimely, and granted a certificate of appealability on the equitable-tolling issue.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and Brown's objections and adopted the recommendation after considering the entire record. For a certificate of appealability, the court applied the Slack v. McDaniel standard requiring a substantial showing of the denial of a constitutional right and debatability of the procedural ruling.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reporter citation or precedential designation stated in the source.
PARTIES	Donnie Wayne Brown, Petitioner v. Warden Smith, Respondent

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether Brown's § 2254 petition was untimely and subject to dismissal.
2. Whether Brown established entitlement to equitable tolling by showing diligent pursuit of his rights and an extraordinary circumstance that prevented timely filing.
3. Whether Brown was entitled to a certificate of appealability concerning whether attorney abandonment constituted an extraordinary circumstance for equitable-tolling purposes.

HOLDINGS

1. Brown did not establish entitlement to equitable tolling because he failed to show both diligent pursuit of his rights and that his appellate attorney's inaction constituted an extraordinary circumstance that prevented timely filing.
2. The petition was untimely and was dismissed.
3. Brown was granted a certificate of appealability on the question whether attorney abandonment constituted an extraordinary circumstance that prevented him from filing a timely petition for purposes of equitable tolling.

KEY QUOTATIONS

“To make such a showing, the petition must demonstrate “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.””

“whether Mr. Brown has shown that his attorney’s abandonment is an extraordinary circumstance that prevented him from filing a timely petition for purposes of equitable tolling.” (2)

FACTUAL BACKGROUND

Brown filed a federal habeas petition challenging his state-court conviction and asserting ineffective-assistance claims. He contended that he had not been notified that the Alabama Supreme Court had certified denial of his Rule 32 petition and argued that his appellate attorney's inaction affected the timeliness of his federal filing. His objection primarily alleged corruption in the state judicial system and denial of a fair trial, but did not directly address the magistrate judge's finding that he failed to satisfy the requirements for equitable tolling.

PROCEDURAL HISTORY

Brown filed a pro se § 2254 petition. The magistrate judge concluded that the petition was untimely and that Brown had not shown entitlement to equitable tolling because he failed to establish diligent pursuit of his rights

or an extraordinary circumstance preventing timely filing. Brown objected, primarily asserting that the state judicial system was corrupt and that he had not been notified of the denial of his Alabama Rule 32 petition. The district court found that he did not address the magistrate judge's equitable-tolling analysis, adopted the report, dismissed the petition as untimely, and granted a certificate of appealability concerning attorney abandonment as a possible extraordinary circumstance.

DISPOSITION

dismissed

CASES CITED

- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION DONNIE WAYNE BROWN,)) Petitioner,)) v.) Case No. 2:25-cv-
222-ACA-SGC) WARDEN SMITH,)) Respondent.) MEMORANDUM OPINION Petitioner
Donnie Wayne Brown filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. §
2254. (Doc. 1).

The magistrate judge entered a report recommending the court dismiss the petition as untimely. (Doc. 11). Mr. Brown filed an objection. (Doc. 12). Mr. Brown devotes the majority of his two-page filing alleging that the state judicial system is “corrupt,” and he did not have a fair trial. (Doc. 12 at 1, 2).

For his objection, Mr. Brown reiterates that he “has still to this day of 3-5-26 not been contacted by the Alabama Supreme Court or Attorney Katherine Patillo” to notify him that a judgment denying his Rule 32 petition has been certified as denied. (Doc. 12 at 1–2; see doc. 1-2 at 71; doc. 6 at 1–2; doc. 9 at 1; doc. 10; doc. 11 at 5–11). But Mr. Brown does not address the magistrate judge’s finding that he failed to meet the standard for invoking equitable tolling because he did not establish either that he pursued his rights diligently or his appellate attorney’s inaction qualified as an extraordinary circumstance and prevented timely filing.

See Holland v. Florida, 560 U.S. 631, 649 (2010). Accordingly, the court OVERRULES Mr. Brown’s objections. (Doc. 12). After careful consideration of the entire record, the magistrate judge’s report, and Mr. Brown’s objections, the court ADOPTS the report and ACCEPTS the recommendation. Consistent with the magistrate judge’s recommendation, the court WILL DISMISS Mr. Brown’s petition as untimely.

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, the petition must demonstrate “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Here, Mr. Brown asserts claims of ineffective assistance of counsel. (Doc. 1- 2 at 22–66). Jurists of reason could find it debatable whether Mr. Brown stated valid claims for the denial of his constitutional rights on these grounds. Additionally, jurists of reason could find it debatable whether Mr. Brown has shown entitlement to equitable tolling based on his attorney’s abandonment.

2 Accordingly, the court WILL GRANT a certificate of appealability on the following question: whether Mr. Brown has shown that his attorney’s abandonment is an extraordinary circumstance that prevented him from filing a timely petition for purposes of equitable tolling.

The court will enter a final order consistent with this memorandum opinion. DONE and ORDERED this March 31, 2026. ANNEMARIE CARNEY AXON” UNITED STATES DISTRICT JUDGE