

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Shawn Demetrius Jones v. Jennifer Clauy

Jones · No. 26-CV-377 · Decided March 17, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin orders Shawn Demetrius Jones to show cause why his habeas petition should not be dismissed for failure to exhaust state court remedies. The court also identifies the Wisconsin Court of Appeals’ dismissal of Jones’s appeal for noncompliance with court rules as a potential adequate and independent state-law ground barring relief. Jones is given 28 days to respond, and the respondent may file a response thereafter.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	March 17, 2026
DOCKET	26-CV-377
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254; the district court issued an order requiring the petitioner to show cause why the action should not be dismissed for failure to exhaust state remedies or on adequate and independent state-law grounds.
STANDARD OF REVIEW	Under Rule 4 governing § 2254 cases, the court must dismiss a petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; the court also applied the exhaustion requirement of 28 U.S.C. § 2254(b)(1)(A).
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value.
PARTIES	Shawn Demetrius Jones v. Jennifer Clauy

TOPICS

- federal habeas corpus
- post-conviction relief
- state post-conviction relief
- pleadings
- appellate procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed or otherwise rejected because Jones failed to exhaust available state-court remedies.
2. Whether Jones should be given an opportunity to show that an exception excuses his failure to present his claims to the Wisconsin Supreme Court.
3. Whether the dismissal of Jones's state appeal for failure to comply with court rules may constitute an adequate and independent state-law ground barring federal habeas relief.

HOLDINGS

1. The petition was not properly before the court because Jones acknowledged that he had not exhausted his state-court remedies, and he had not shown that an exception to the exhaustion requirement applied.
2. The court afforded Jones 28 days to show cause why the petition should not be dismissed and to demonstrate that an exception to the exhaustion doctrine excused his failure to seek review in the Wisconsin Supreme Court.

KEY QUOTATIONS

“Accordingly, the court must reach the same conclusion as Chief Judge Pepper – Jones’s petition is not properly before the court because he has not exhausted his state court remedies.”

“IT IS THEREFORE ORDERED that, if Jones wishes to continue to pursue this action, within 28 days of this order Jones shall show cause why his petition and this action should not be dismissed pursuant to 28 U.S.C. § 2254(b)(1)(A) for his failure to exhaust his state court remedies or alternatively on the basis that the Wisconsin Court of Appeals denied his appeal for adequate and independent state law grounds.”

FACTUAL BACKGROUND

Jones is incarcerated pursuant to a Wisconsin Circuit Court judgment and challenges the extension of his extended-supervision period beyond its scheduled expiration date. He asserts that the extension resulted from tolling based on his having absconded. His appeal in the Wisconsin Court of Appeals was dismissed for failure to comply with court rules, and he did not seek review in the Wisconsin Supreme Court. Jones acknowledged that he had not exhausted his state-court remedies but did not explain why an exception to exhaustion should apply.

PROCEDURAL HISTORY

Jones, who is incarcerated under a Wisconsin Circuit Court judgment, filed a federal habeas petition challenging the extension of his extended-supervision period after he absconded. In an earlier federal habeas action, Chief Judge Pamela Pepper dismissed a similar petition for failure to exhaust state remedies while Jones's state appeal was pending. The Wisconsin Court of Appeals later dismissed Jones's appeal for noncompliance with its rules, and Jones did not seek review in the Wisconsin Supreme Court. The court therefore ordered Jones to show cause

within 28 days why the present action should not be dismissed, while directing service on the respondent and permitting a response.

DISPOSITION

other

CASES CITED

- Jones v. Johnson, No. 25-cv-460-pp, 2025 U.S. Dist. LEXIS 179934 (E.D. Wis. Sept. 15, 2025)
- Woodford v. Ngo, 548 U.S. 81, 92, 126 S. Ct. 2378, 165 L. Ed. 2d 368 (2006)
- O’Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Anderson v. Gierach, No. 23-CV-626-SCD, 2024 U.S. Dist. LEXIS 93162, at *5 (E.D. Wis. May 23, 2024)
- Terry v. Symdon, No. 14-CV-321, 2014 U.S. Dist. LEXIS 104054, at *9 (E.D. Wis. July 29, 2014)
- Flowers v. Avila, No. 13-cv-701-wmc, 2013 U.S. Dist. LEXIS 166081, at *11 (W.D. Wis. Nov. 22, 2013)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN SHAWN DEMETRIUS JONES, Petitioner, v. Case No. 26-CV-377 JENNIFER CLAUY, Respondent. ORDER ON THE PETITION FOR A WRIT OF HABEAS CORPUS Shawn Demetrius Jones, who is incarcerated pursuant to the judgment of a Wisconsin Circuit Court, filed a petition for a writ of habeas corpus. Rule 4 of the Rules Governing Section 2254 Cases states: If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order. As a preliminary matter, Jones’s petition is difficult to read. His handwriting method has resulted in many words being indecipherable. But from what the court can glean, he is challenging the fact that his extended supervision has been extended past the date it was set to expire because he had absconded.

Under Wisconsin law, a period of extended supervision may be tolled for the length of time a person is in violation, for example, by having absconded. See Wis. Stat. § 304.072(1). But before the court can consider the merits of his claim, it must determine that the petition is properly before the court. Chief Judge Pamela Pepper dismissed a similar petition that Jones filed about a year ago.

See Jones v. Johnson, No. 25-cv- 460-pp, 2025 LX 386873 (E.D. Wis. Sep. 15, 2025). Chief Judge Pepper concluded that Jones had failed to exhaust his state court remedies because he had not

presented his claim to the Wisconsin Court of Appeals and the Wisconsin Supreme Court. At that time, Jones's case was still pending before the Wisconsin Court of Appeals.

The court of appeals has since dismissed his appeal pursuant to Wis. Stat. § 809.83(2) for Jones's non-compliance with the court's Rules. See Wis. Ct. App. No. 2025AP002007. Jones did not seek relief in the Wisconsin Supreme Court.

Thus, he acknowledges that he has not exhausted his state court remedies. (ECF No. 1 at 7.) But when asked to explain his failure to exhaust, he notes merely that certain exceptions to exhaustion apply. He offers nothing to suggest that those exceptions apply to him.

Accordingly, the court must reach the same conclusion as Chief Judge Pepper – Jones's petition is not properly before the court because he has not exhausted his state court remedies. *Jones v. Johnson*, No. 25-cv-460-pp, 2025 U.S. Dist. LEXIS 179934, at *7 (E.D. Wis. Sep. 15, 2025) (citing *Woodford v. Ngo*, 548 U.S. 81, 92, 126 S. Ct. 2378, 165 L. Ed. 2d 368 (2006); *O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999)).

However, as Jones notes, there are exceptions to the exhaustion doctrine. Before dismissing this action, the court will give Jones the opportunity to demonstrate that one of these exceptions applies to him. But even if Jones is able to prove that the court should excuse his failure to present his claims to the Wisconsin Supreme Court, there is then the fact that the Wisconsin Court of Appeals dismissed his appeal because he failed to comply with its Rules.

That dismissal likely constitutes adequate and independent state law grounds for denying him relief and thus represents another hurdle he must clear before obtaining relief in this court. See, e.g., *Anderson v. Gierach*, No. 23-CV-626-SCD, 2024 U.S. Dist. LEXIS 93162, at *5 (E.D. Wis. May 23, 2024); *Terry v. Symdon*, No. 14- CV-321, 2014 U.S. Dist. LEXIS 104054, at *9 (E.D.

Wis. July 29, 2014); *Flowers v. Avila*, No. 13-cv-701-wmc, 2013 U.S. Dist. LEXIS 166081, at *11 (W.D. Wis. Nov. 22, 2013). IT IS THEREFORE ORDERED that, if Jones wishes to continue to pursue this action, within 28 days of this order Jones shall show cause why his petition and this action should not be dismissed pursuant to 28 U.S.C. § 2254(b)(1)(A) for his failure to exhaust his state court remedies or alternatively on the basis that the Wisconsin Court of Appeals denied his appeal for adequate and independent state law grounds.

This submission must be typed or legibly handwritten. Failure to show cause within 28 days will result in the court dismissing this action. IT IS FURTHER ORDERED that the Clerk of Court shall promptly serve the respondent by service of a copy of the petition and this order upon the State of Wisconsin Attorney General. IT IS FURTHER ORDERED that the respondent may, but is not required to, respond to the petitioner's submission within 28 days.

The petitioner may reply within 28 days thereof. IT IS FURTHER ORDERED that all of the petitioner's filings with the court shall be mailed to the following address: Clerk of Court Jefferson Court Building 125 S. Jefferson St - Room 102 Green Bay, WI 54301-4541 DO NOT MAIL ANYTHING DIRECTLY TO CHAMBERS.

The petitioner should also retain a personal copy of each document. The petitioner is further advised that the failure to comply with all deadlines in this matter may have serious consequences, which may include the loss of certain rights or the dismissal of this action.

In addition, the petitioner must immediately notify the Clerk of Court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties. Dated at Green Bay, Wisconsin this 17th day of March, 2026. s/ Byron B. Conway BYRON B. CONWAY United States District Judge