

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Roderick Bates v. Warden Brian Eller

Bates v. Eller, No. 2:25-CV-181-CLC-CRW (E.D. Tenn. Mar. 5, 2026) · No. 2:25-CV-181-CLC-CRW · Decided
March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee dismissed Roderick Bates’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 as untimely under the AEDPA statute of limitations. The court granted the respondent’s motion to dismiss with prejudice and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Curtis L. Collier
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	March 5, 2026
DOCKET	2:25-CV-181-CLC-CRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. Respondent moved to dismiss the petition as barred by AEDPA's one-year statute of limitations, and the court granted the motion, dismissed the petition with prejudice, and denied a certificate of appealability.
STANDARD OF REVIEW	A habeas petition may be dismissed as untimely under AEDPA's statute of limitations. Equitable tolling requires diligence and an extraordinary circumstance preventing timely filing. A procedural dismissal warrants a certificate of appealability only if reasonable jurists could debate both the validity of a constitutional claim and the correctness of the procedural ruling.
PRECEDENTIAL VALUE	unpublished; nonprecedential district-court memorandum opinion
PARTIES	Roderick Bates v. Warden Brian Eller

TOPICS

federal habeas corpus

post-conviction relief

actual innocence

appellate procedure

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether Bates's 28 U.S.C. § 2254 petition was barred by AEDPA's one-year statute of limitations.
2. Whether statutory tolling during the state post-conviction proceedings rendered the federal petition timely.
3. Whether Bates established entitlement to equitable tolling or a credible showing of actual innocence sufficient to overcome the limitations bar.
4. Whether a certificate of appealability should issue after dismissal on procedural grounds.

HOLDINGS

1. The petition was untimely because the conviction became final on August 3, 2016, the limitations period ran for 273 days before state post-conviction proceedings tolled it, resumed on September 13, 2024, and expired on December 13, 2024; Bates did not file his federal petition until May 16, 2025.
2. Equitable tolling did not apply because Bates made no argument establishing that he had pursued his rights diligently or that an extraordinary circumstance prevented timely filing.
3. Bates did not overcome the limitations bar through actual innocence because he presented no credible showing that, in light of all the evidence, no reasonable juror would have convicted him.
4. A certificate of appealability was denied because reasonable jurists would not find it debatable that the petition was untimely.

KEY QUOTATIONS

“To establish an entitlement to equitable tolling, a petitioner must demonstrate “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way” to prevent timely filing.” (Section II)

“Accordingly, the Court finds that the instant petition is untimely, and Respondent’s motion should be granted.” (Section III)

“Because reasonable jurists would not find it debatable that the instant petition is untimely, the Court will deny a COA.” (Section IV)

FACTUAL BACKGROUND

Following a 2014 trial, a Hamilton County jury convicted Roderick Bates and co-defendant Emmett Jones of especially aggravated burglary and first-degree murder, and Bates received an effective life sentence. Bates pursued direct review and state post-conviction relief, but the Tennessee courts denied relief, with the Tennessee

Supreme Court denying permission to appeal on September 12, 2024. He later filed a federal habeas petition on May 16, 2025, more than one year after the AEDPA limitations period expired.

PROCEDURAL HISTORY

A Hamilton County, Tennessee jury convicted Bates in 2014 of especially aggravated burglary and first-degree murder and imposed an effective life sentence. The Tennessee Court of Criminal Appeals affirmed, and the Tennessee Supreme Court denied permission to appeal on May 5, 2016. Bates filed a state post-conviction petition on May 4, 2017; relief was denied, the denial was affirmed, and the Tennessee Supreme Court denied permission to appeal on September 12, 2024. Bates filed this federal habeas petition on May 16, 2025, initially in the Middle District of Tennessee; the action was transferred to the Eastern District of Tennessee. The court concluded that the petition was untimely and that Bates had not established equitable tolling or a credible showing of actual innocence.

DISPOSITION

dismissed

CASES CITED

- State v. Bates, No. E2014-01741-CCA-R3-CD, 2015 WL 9019818, at *1-2, *14 (Tenn. Crim. App. Dec. 15, 2015)
- Bates v. State, No. E2023-00278-CCA-R3-PC, 2024 WL 915163, at *1 (Tenn. Crim. App. Mar. 4, 2024)
- Lindh v. Murphy, 521 U.S. 320, 336 (1997)
- Brand v. Motley, 526 F.3d 921, 925 (6th Cir. 2008)
- Cook v. Stegall, 295 F.3d 517, 521 (6th Cir. 2002)
- Holland v. Florida, 560 U.S. 631, 645, 649 (2010)
- Pace v. DiGuglielmo, 544 U.S. 408, 418 (2005)
- Keeling v. Warden, Lebanon Corr. Inst., 673 F.3d 452, 462 (6th Cir. 2012)
- Ata v. Scutt, 662 F.3d 736, 741 (6th Cir. 2011)
- McQuiggin v. Perkins, 569 U.S. 383, 392 (2013)
- Bousley v. United States, 523 U.S. 614, 623 (1998)
- Schlup v. Delo, 513 U.S. 298, 327-328 (1995)
- Gonzalez v. Thaler, 565 U.S. 134, 137 (2012)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE RODERICK BATES,)) Petitioner,)) v.) No.: 2:25-CV-181-CLC-CRW) WARDEN BRIAN ELLER,)) Respondent.) MEMORANDUM OPINION Before the Court is

Roderick Bates' pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), and Respondent's motion to dismiss the petition as time-barred (Doc.

17). Petitioner has not responded to the motion, and the deadline to do so has passed. (See Doc. 13 at 1.) Consistent with the Court's Local Rules, the Court finds he has waived opposition to the sought relief. See E.D. Tenn. L.R. 7.2.

For the reasons set forth below, the Court will grant Respondent's motion and dismiss the petition with prejudice. I. RELEVANT FACTUAL AND PROCEDURAL HISTORY Following a 2014 trial, a Hamilton County jury found Petitioner and his co-defendant, Emmett Jones, guilty of especially aggravated burglary and first-degree murder, for which each received an effective life sentence.

State v. Bates, No. E2014-01741-CCA-R3-CD, 2015 WL 9019818, at *1–2 (Tenn. Crim. App. Dec. 15, 2015), perm. app. denied (Tenn. May 5, 2016). The Tennessee Court of Criminal Appeals ("TCCA") affirmed Petitioner's conviction and sentence. Id. at *14.

On May 5, 2016, the Tennessee Supreme Court denied Petitioner's application for permission to appeal (Doc. 16-5). Petitioner did not seek certiorari review in the United States Supreme Court. On May 4, 2017, Petitioner, through counsel, filed a petition for post-conviction relief in the Hamilton County Criminal Court, as later amended. (Doc. 16-6 at 3–6, 14–40.)

Following an evidentiary hearing, the post-conviction court denied relief. (Id. at 43, 44–65). Petitioner appealed, and the TCCA affirmed the judgment of the post-conviction court. Bates v. State, No. E2023-00278-CCA-R3-PC, 2024 WL 915163, at *1 (Tenn. Crim. App. Mar. 4, 2024), perm. app. denied (Tenn. Sept. 12, 2024).

On September 12, 2024, the Tennessee Supreme Court denied permission to appeal. (Doc. 16-10.) On May 16, 2025, Petitioner filed his pro se petition under 28 U.S.C. § 2254 in the Middle District of Tennessee.¹ (Doc. 1.)

The action was subsequently transferred to this Court. (Doc. 11.) Thereafter, this Court directed Respondent to file a response to the petition (Doc. 13), and Respondent filed his motion to dismiss (Doc. 17), a memorandum in support (Doc. 18) and the state-court record (Doc. 16). Petitioner failed to reply to Respondent's motion within the deadline to do so.

(See Doc. 13.) II. LEGAL STANDARD The instant petition for writ of habeas corpus is subject to the statute of limitations of the Anti-Terrorism and Effective Death Penalty Act of 1996 ("AEDPA"). See Lindh v. Murphy, 521 U.S. 320, 336 (1997).

The issue of whether Respondent's motion should be granted turns on the statute's limitation period, which provides: A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court.

The limitation period shall run from the latest of – 1 Under Sixth Circuit precedent, the date the petitioner signs the document is deemed to be the date of handing to prison authorities for mailing. *Brand v. Motley*, 526 F.3d 921, 925 (6th Cir. 2008); see also *Cook v. Stegall*, 295 F.3d 517, 521 (6th Cir. 2002) (holding that an application is deemed filed when handed to prison authorities for mailing to the federal court).

Petitioner signed the affidavit in the petition and had it notarized on May 16, 2025. (Doc. 1 at 18.) Accordingly, the Court assumes for present purposes that the petition was filed on that date. (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review; (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or the laws of the United States is removed, if the applicant was prevented from filing by such State action; (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

28 U.S. C. § 2244(d)(1). The federal limitations period is tolled while a “properly filed application for State post-conviction or other collateral review” is pending. See *id.* at § 2244(d)(2). In “appropriate cases,” § 2244(d) “is subject to equitable tolling.” *Holland v. Florida*, 560 U.S. 631, 645 (2010).

To establish an entitlement to equitable tolling, a petitioner must demonstrate “(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way” to prevent timely filing. *Id.* at 649 (quoting *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005)). “Equitable tolling is granted sparingly and is evaluated on a case-by- case basis, with the petitioner retaining the ‘ultimate burden of persuading the court that he or she is entitled to equitable tolling.’” *Keeling v. Warden, Lebanon Corr.*

Inst., 673 F.3d 452, 462 (6th Cir. 2012) (quoting *Ata v. Scutt*, 662 F.3d 736, 741 (6th Cir. 2011)). Additionally, a “credible showing of actual innocence” may overcome the AEDPA’s limitation period. *McQuiggin v. Perkins*, 569 U.S. 383, 392 (2013).

To demonstrate his actual innocence, a petitioner must demonstrate that “in light of all the evidence, it is more likely than not that no reasonable juror would have convicted him.” *Bousley v. United States*, 523 U.S. 614, 623 (1998) (quoting *Schlup v. Delo*, 513 U.S. 298, 327-28 (1995) (internal quotation marks omitted)). III. DISCUSSION Petitioner’s conviction became “final” on August 3, 2016, which is the expiration of the time to seek certiorari review in the United States Supreme Court following the Tennessee Supreme Court’s denial of discretionary review on direct appeal.

See *Gonzalez v. Thaler*, 565 U.S. 134, 137 (2012) (holding that where petitioner does not seek certiorari review, judgment becomes final at “expiration of the time for seeking such review”); see also Sup. Ct. R. 13.1 (allowing petitioner 90 days from “entry of the judgment or order sought to be reviewed” to file a timely petition for certiorari).

Therefore, the federal statute of limitations began running the following day, August 4, 2016, and continued running for 273 days until it was paused when Petitioner’s counsel filed his petition for post-conviction relief on May 4, 2017. (See Doc. 16-6 at 3.)

The limitations period remained tolled until the Tennessee Supreme Court denied discretionary review on September 12, 2024. (Doc. 16-10.) It restarted the following day, September 13, 2024, and ran for 92 days until it expired on December 13, 2024. Petitioner filed his federal habeas petition, at earliest, when he signed it on May 16, 2025. (Doc. 1 at 18.)

Accordingly, the petition was filed over 150 days beyond the expiration of the federal habeas deadline, and the Court can consider its merits only if Petitioner establishes an entitlement to equitable tolling of the limitations period or demonstrates a “credible showing of actual innocence.” See *McQuiggin*, 569 U.S. at 392 (holding “a credible showing of actual innocence” may overcome AEDPA’s limitations period); see also *Allen v. Yukins*, 366 F.3d 396, 401 (6th Cir.

2004) (finding it is the petitioner’s burden to demonstrate equitable tolling applies). Petitioner makes no argument that he is entitled to equitable tolling, and he has not presented a credible showing of actual innocence.

Accordingly, the Court finds that the instant petition is untimely, and Respondent’s motion should be granted. IV. CERTIFICATE OF APPEALABILITY Pursuant to Rule 11(a) of the Rules Governing § 2254 Cases, this Court must issue or deny a certificate of appealability (“COA”) upon the entry of a final order adverse to the petitioner. Additionally, Petitioner must obtain a COA before appealing this Court’s decision denying federal habeas relief.

See 28 U.S.C. § 2253(c)(1). Because the instant petition is rejected on procedural grounds, Petitioner must demonstrate “that 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” in order for a COA to issue.

Slack v. McDaniel, 529 U.S. 473, 484 (2000). Because reasonable jurists would not find it debatable that the instant petition is untimely, the Court will deny a COA. V. CONCLUSION For the reasons set forth herein, the Court will GRANT Respondent’s motion (Doc. 17) and DISMISS Petitioner’s federal habeas petition with prejudice.

The Court will DENY a certificate of appealability. AN APPROPRIATE JUDGMENT ORDER WILL ENTER. /s/ CURTIS L. COLLIER UNITED STATES DISTRICT JUDGE

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