

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Robert Andrew Reed v. Stacey Kincaid

Civil Action No. 3:25-cv-00612 (E.D. Va. Jan. 23, 2026) · No. 3:25-cv-00612 · Decided January 23, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice a Virginia pretrial detainee’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that the petitioner had not exhausted available state remedies and had not shown exceptional circumstances warranting federal review.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	January 23, 2026
DOCKET	3:25-cv-00612
DISPOSITION	dismissed
PROCEDURAL POSTURE	A Virginia pretrial detainee proceeding pro se petitioned for federal habeas relief under 28 U.S.C. § 2241. The district court ordered him to show cause why the petition should not be dismissed for failure to exhaust available state remedies; after he filed no response, the court dismissed the petition without prejudice.
STANDARD OF REVIEW	The court applied the exhaustion and abstention principles governing federal habeas petitions by state pretrial detainees.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; nonprecedential and persuasive only.
PARTIES	Robert Andrew Reed v. Stacey Kincaid

TOPICS

- federal habeas corpus
- habeas corpus
- federalism
- criminal procedure
- post-conviction relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should dismiss a state pretrial detainee's § 2241 petition for failure to exhaust available state remedies.
2. Whether exceptional circumstances justified federal habeas review before completion of the state criminal proceedings.

HOLDINGS

1. A federal court should generally withhold habeas relief when a state pretrial detainee has not exhausted available state-court remedies, absent exceptional circumstances warranting immediate federal review.
2. The § 2241 petition must be dismissed without prejudice because Reed failed to exhaust available state remedies and failed to demonstrate exceptional circumstances warranting federal review.

KEY QUOTATIONS

“Relief for state pretrial detainees through a federal petition for a writ of habeas corpus is generally limited to speedy trial and double jeopardy claims, and only after the petitioner has exhausted state-court remedies.”
(at 2)

“Until the State has been accorded a fair opportunity by any available procedure to consider the issue and afford a remedy if relief is warranted, federal courts in habeas proceedings by state [inmates] should stay their hand.” (at 2)

FACTUAL BACKGROUND

Petitioner was a Virginia detainee who had not yet been convicted or sentenced. He filed a federal § 2241 habeas petition raising issues that the court determined could be resolved through a trial on the merits in the Virginia Circuit Court or through later direct and collateral appeals. After receiving two opportunities to explain why the petition should not be dismissed for failure to exhaust state remedies, Petitioner filed no substantive response.

PROCEDURAL HISTORY

Reed filed a § 2241 petition before being convicted or sentenced. The court issued an order requiring him to show cause regarding exhaustion, later allowing additional time because it was unclear whether he had received the first order. Reed filed no response, and the court dismissed the action without prejudice for failure to exhaust state remedies and failure to demonstrate exceptional circumstances.

DISPOSITION

dismissed

CASES CITED

- Bowen v. Johnston, 306 U.S. 19, 27 (1939)

- *Timms v. Johns*, 627 F.3d 525, 530-31 & n.5 (4th Cir. 2010)
- *Boumediene v. Bush*, 553 U.S. 723, 793 (2008)
- *Stack v. Boyle*, 342 U.S. 1, 6-7 (1951)
- *Olsson v. Curran*, 328 F. App'x 334, 335 (7th Cir. 2009)
- *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 489-92 (1973)
- *Younger v. Harris*, 401 U.S. 37, 49 (1971)
- *Stroman Realty, Inc. v. Martinez*, 505 F.3d 658, 662 (7th Cir. 2007)
- *Neville v. Cavanagh*, 611 F.2d 673, 675 (7th Cir. 1979)
- *Brazell v. Boyd*, No. 92-7029, 1993 WL 98778, at *1 (4th Cir. Apr. 5, 1993)
- *Dickerson v. Louisiana*, 816 F.2d 220, 224-26 (5th Cir. 1987)
- *Durkin v. Davis*, 538 F.2d 1037, 1041 (4th Cir. 1976)
- *Gould v. Newport News*, No. 2:08cv465, 2008 WL 7182638, at *5 (E.D. Va. Nov. 5, 2008)
- *Williams v. Simmons*, No. 3:10CV709-HEH, 2011 WL 2493752, at *1-2 (E.D. Va. June 22, 2011)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
 Richmond Division ROBERT ANDREW REED, CLERK, O'S. DISTRICT COURT Petitioner, v.
 Civil Action No. 3:25ev612 STACEY KINCAID, Respondent. MEMORANDUM OPINION
 Petitioner, a Virginia detainee proceeding pro se, filed a petition pursuant to 28 U.S.C. § 2241 (“§
 2241 Petition,” ECF No. 1). Petitioner has not been convicted or sentenced. (/d.)

By Memorandum Order entered on November 19, 2025, the Court directed Petitioner to show good cause, within twenty (20) days of the date of entry thereof, as to why his § 2241 Petition should not be dismissed for lack of exhaustion. (ECF No. 8.) Petitioner failed to file a response within that time.

However, on December 10, 2025, the Court received a letter from Petitioner asking for the status of the case. (ECF No. 9.) Therefore, because it was unclear whether Petitioner received the November 19, 2025 Memorandum Order, the Court provided Petitioner another twenty (20) days in which to respond. (ECF No. 10.) More than twenty (20) days have elapsed, and Petitioner has filed no response. “As a general rule, in the absence of ‘exceptional circumstances where the need for the remedy afforded by the writ of habeas corpus is apparent,’ *Bowen v. Johnston*, 306 U.S. 19, 27 (1939), courts ‘require[] exhaustion of alternative remedies before a prisoner can seek federal habeas relief.’” *Timms v. Johns*, 627 F.3d 525, 530-31 (4th Cir.

2010) (alteration in original) (parallel citation omitted) (quoting *Boumediene v. Bush*, 553 U.S. 723, 793 (2008)). In this regard, “[i]n the case of those detained by states, principles of federalism and comity generally require the exhaustion of available state court remedies before [the federal

courts] conduct habeas review of the detention.” /d. at 531 n.5 (citing *Boumediene*, 553 U.S. at 793).

Thus, “district courts ‘should withhold relief in [a] collateral habeas corpus action where an adequate remedy available in the criminal proceeding has not been exhausted.’” /d. (alteration in original) (quoting *Stack v. Boyle*, 342 U.S. 1, 6-7 (1951)). “Relief for state pretrial detainees through a federal petition for a writ of habeas corpus is generally limited to speedy trial and double jeopardy claims, and only after the petitioner has exhausted state-court remedies.” *Olsson v. Curran*, 328 F. App’x 334, 335 (7th Cir.

2009) (citing *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 489-92 (1973); *Younger v. Harris*, 401 U.S. 37, 49 (1971); *Stroman Realty, Inc. v. Martinez*, 505 F.3d 658, 662 (7th Cir. 2007); *Neville v. Cavanagh*, 611 F.2d 673, 675 (7th Cir. 1979)); see also *Brazell v. Boyd*, No. 92-7029, 1993 WL 98778, at *1 (4th Cir. Apr. 5, 1993) (concluding “pretrial habeas relief is available under § 2241 if the petitioner is in custody, has exhausted his state court remedies, and ‘special circumstances’ justify the provision of federal review” (citing *Dickerson v. Louisiana*, 816 F.2d 220, 224-26 (5th Cir.

1987))). Conversely, “federal courts should abstain from the exercise of [habeas] jurisdiction if the issues raised in the petition maybe resolved either by trial on the merits in the state court or by other state procedures available to the petitioner.” *Dickerson*, 816 F.2d at 225 (citations omitted); *Durkin v. Davis*, 538 F.2d 1037, 1041 (4th Cir. 1976) (internal quotation marks omitted) (“Until the State has been accorded a fair opportunity by any available procedure to consider the issue and afford a remedy if relief is warranted, federal courts in habeas proceedings by state [inmates] should stay their hand.”).

Here, the issues raised by Petitioner, in his § 2241 Petition may be resolved either by (1) a trial on the merits in the Circuit Court, or (2) subsequent direct and collateral appeals. See *Gould v. Newport News*, No. 2:08cv465, 2008 WL 7182638, at *5 (E.D. Va. Nov. 5, 2008) (summarily dismissing habeas petition because the petitioner’s grounds for habeas relief “could be defenses in his upcoming criminal prosecution”).

Petitioner fails to demonstrate any exceptional circumstances warrant the consideration of his habeas petition at this time. Accordingly, the § 2241 Petition and the action will be DISMISSED WITHOUT PREJUDICE because Petitioner has failed to exhaust available state remedies or demonstrate that exceptional circumstances warrant consideration of his petition at this juncture.

See *Williams v. Simmons*, No. 3:10CV709-HEH, 2011 WL 2493752, at *1—2 (E.D. Va. June 22, 2011) (dismissing without prejudice similar habeas petition by pretrial detainee). An appropriate Order will accompany this Memorandum Opinion. Date: 1]A3)9C¢ cette Richmond, Virginia
Chief United States District Judge

