

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Edward A. Smith v. Leon Hill, Warden

Smith v. Hill · No. 1:22-cv-7 · Decided January 27, 2026

SUMMARY

The United States District Court for the Northern District of Ohio adopted the Magistrate Judge’s Report and Recommendation in Edward A. Smith’s federal habeas action. The court dismissed the petition with prejudice, finding the first three grounds procedurally defaulted and the fourth ground non-cognizable, after Smith failed to object to the Report and Recommendation.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	J. Philip Calabrese
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	January 27, 2026
DOCKET	1:22-cv-7
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief under 28 U.S.C. § 2254. The matter was before the district court on a magistrate judge's Report and Recommendation recommending dismissal of the petition. No objections were filed.
STANDARD OF REVIEW	The district court independently reviewed the record for clear error after the petitioner failed to object to the Report and Recommendation.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Edward A. Smith v. Leon Hill, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- default
- civil procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the petitioner's ineffective-assistance claim concerning trial counsel was procedurally defaulted.
2. Whether the petitioner's ineffective-assistance claims concerning the 2019 resentencing were procedurally defaulted.
3. Whether the petitioner's double-jeopardy claim was cognizable in federal habeas proceedings when based on the state court's application of res judicata.
4. Whether the district court should adopt the magistrate judge's Report and Recommendation when the petitioner filed no objections.

HOLDINGS

1. The claim was procedurally defaulted because Smith did not fairly present it through Ohio's ordinary appellate review process and failed to establish cause and prejudice or a fundamental miscarriage of justice to excuse the default.
2. The claims were procedurally defaulted because Smith failed properly to raise and present them at each level of state-court review, including by failing timely to seek review in the Supreme Court of Ohio, and he failed to establish an excuse for the defaults.
3. The double-jeopardy claim was not cognizable in the federal habeas action because it challenged the state court's application of res judicata rather than presenting a cognizable violation of the Fifth Amendment's Double Jeopardy Clause.
4. A party's failure timely to object to a magistrate judge's Report and Recommendation, after being advised of the potential consequence, results in forfeiture of appellate review of the issues addressed in the recommendation, although forfeited issues may be considered in certain circumstances.

KEY QUOTATIONS

“Therefore, the Court ADOPTS the Report and Recommendation (ECF No. 43) and DISMISSES the action WITH PREJUDICE.”

“We clarify that forfeiture, rather than waiver, is the relevant term here.”

FACTUAL BACKGROUND

Smith pleaded guilty to aggravated murder in 1988 and was sentenced to 20 years to life in prison. Following a successful appeal concerning his sentence, he was resentenced in 2019 to life imprisonment with parole eligibility after 20 years. He later pursued unsuccessful direct and collateral challenges in state court before filing a federal habeas petition asserting ineffective-assistance and double-jeopardy claims.

PROCEDURAL HISTORY

Smith pleaded guilty to aggravated murder in 1988 after being bound over from juvenile court and received a sentence of 20 years to life. After successfully challenging that sentence on appeal, he was resentenced in 2019 to life imprisonment with parole eligibility after 20 years. He unsuccessfully challenged his conviction through direct appeal and state collateral proceedings, then filed this federal habeas action asserting four grounds for relief. The magistrate judge recommended dismissal of all claims, and the district court adopted that recommendation after Smith failed to object.

DISPOSITION

dismissed

CASES CITED

- United States v. Wandahsega, 924 F.3d 868, 878 (6th Cir. 2019)
- United States v. Walters, 638 F.2d 947, 949–50 (6th Cir. 1981)
- Thomas v. Arn, 474 U.S. 140, 152 (1985)
- Berkshire v. Beauvais, 928 F.3d 520, 530 (6th Cir. 2019)
- Harris v. Klare, 902 F.3d 630, 635–36 (6th Cir. 2018)
- United States v. Olano, 507 U.S. 725, 733 (1993)
- Freytag v. Commissioner, 501 U.S. 868, 894 n.2 (1991) (Scalia, J., concurring)

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