

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Jeremy Vaughn v. Warden T. Smith

Vaughn v. Smith · No. 25-cv-622-wmc · Decided December 1, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin dismissed Jeremy Vaughn’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 without prejudice because he had not exhausted available state court remedies. The court also denied his pending motions and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 1, 2025
DOCKET	25-cv-622-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from Wisconsin convictions while related post-conviction motions remained pending in state court.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing § 2254 Cases, the court must dismiss the petition if it plainly appears from the pleadings and exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	District court opinion; no precedential status stated in the opinion.
PARTIES	Jeremy Vaughn v. Warden T. Smith

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Criminal procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition had to be dismissed because Vaughn had not exhausted available state-court remedies.
2. Whether Vaughn's related motions and request to supplement or amend his pleadings could be granted after dismissal of the unexhausted petition.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. A federal court may not grant habeas relief from a state-court conviction when the petitioner has not exhausted remedies available in the state courts; because Vaughn's state post-conviction motions remained pending, the petition was dismissed without prejudice for lack of exhaustion.

KEY QUOTATIONS

“A federal court may not grant habeas relief from a state court judgment of conviction unless the petitioner “has exhausted the remedies available in the courts of the State.””

FACTUAL BACKGROUND

Jeremy Vaughn is a Wisconsin state prisoner incarcerated at Fox Lake Correctional Institution. On November 7, 2024, he was convicted after no-contest pleas in Marathon County Case Nos. 22CF588 and 24CF974 for drug-related offenses. He sought federal habeas relief asserting prosecutorial misconduct or selective prosecution, excessive sentencing, and ineffective assistance of counsel, and sought to add a claim that the prosecutor breached his plea agreement. His Wisconsin post-conviction motions remained pending when he filed the federal petition.

PROCEDURAL HISTORY

Vaughn filed a § 2254 petition challenging convictions in Marathon County Case Nos. 22CF588 and 24CF974. He also filed motions concerning the filing fee, appointment of counsel, and amendment or supplementation of his pleadings. The district court dismissed the petition without prejudice at screening because Vaughn had not exhausted available Wisconsin state-court remedies, denied the pending motions, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- O'Sullivan v. Boerckel, 526 U.S. 838, 848 (1999)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMY VAUGHN, Petitioner, OPINION AND ORDER v. 25-cv-622-wmc WARDEN T. SMITH,

Respondent.

Petitioner Jeremy Vaughn, a state prisoner who represents himself, is incarcerated by the Wisconsin Department of Corrections at the Fox Lake Correctional Institution.

Vaughn has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging convictions entered against him in Marathon County Case Nos. 22CF588 and 24CF974. (Dkt. #1.) He has filed motions related to the filing fee, for appointment of counsel, and for leave to supplement or amend his pleadings. (Dkts. ##8-13.)

Under Rule 4 of the Rules Governing § 2254 Cases (“Habeas Rules”), a district court must dismiss the petition if it plainly appears from the pleadings and exhibits that the petitioner is not entitled to relief. After reviewing all of the submissions, the court concludes that the petition must be dismissed because Vaughn did not exhaust available state court remedies before filing this action.

Publicly available state court records reflect that on November 7, 2024, Vaughn was found guilty pursuant to a plea of no contest to charges of possession of methamphetamine, THC, and drug paraphernalia in Marathon County Case No. 22CF588.¹ On that same date, Vaughn was found guilty pursuant to a plea of no contest to possession of methamphetamine.¹ See Wisconsin Circuit Court Access, at: <https://wicourts.gov> (last accessed Dec.

1, 2025). in Marathon County Case No. 24CF974. Public records reflect that Vaughn has numerous other prior convictions. Vaughn now seeks relief on the following grounds: (1) prosecutorial misconduct or selective prosecution; (2) excessive sentence; and (3) ineffective assistance of counsel. (Dkt. #1, at 5-8.) He has requested leave to add a claim that the prosecutor breached his plea agreement.

(Dkt. #12.) The available procedures for review of Wisconsin criminal convictions are set forth in Wis. Stat. §§ 974.02 and 974.06. Vaughn discloses that he has filed post-conviction motions in each case. (Id. at 6.) Public records show that these motions remain pending. A federal court may not grant habeas relief from a state court judgment of conviction unless the petitioner “has exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A); *O’Sullivan v. Boerckel*, 526 U.S. 838, 848 (1999).

Because Vaughn has not exhausted available state court remedies with respect to any of his claims, his petition must be dismissed for lack of exhaustion. ORDER IT IS ORDERED THAT: 1) The federal habeas corpus petition filed by Jeremy Vaughn (Dkt. #1) is DISMISSED without prejudice for lack of exhaustion. 2) All of petitioner’s pending motions (dkts. ## 8-13) are DENIED.

3) A certificate of appealability is DENIED. Entered this 1st day of December, 2025. BY THE COURT: /s/ _____ WILLIAM M. CONLEY District Judge

