

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Griffin v. Warden, Chillicothe Correctional Institution

Case No. 1:25-cv-793 (S.D. Ohio Feb. 17, 2026) · No. 1:25-cv-793 · Decided February 17, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denied Michael Griffin’s pro se motion to expand the record in his habeas corpus case. The court held that the requested Amazon purchase-history exhibit was part of the state-court record but was not necessary to decide Griffin’s claim that his conviction rested on legally insufficient evidence.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Michael R. Merz; District Judge Jeffery P. Hopkins; Magistrate Judge Michael R. Merz
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	February 17, 2026
DOCKET	1:25-cv-793
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought to expand the state-court record in his federal 28 U.S.C. § 2254 habeas proceeding by adding a trial exhibit concerning Amazon purchase history.
STANDARD OF REVIEW	Whether expansion of the habeas record was necessary under Rule 7 of the Rules Governing § 2254 Cases and permissible under Cullen v. Pinholster.
PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Griffin v. Warden, Chillicothe Correctional Institution

TOPICS

- federal habeas corpus
- post-conviction relief
- evidence
- due process
- civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas court should expand the record under Rule 7 of the Rules Governing § 2254 Cases to include State's Exhibit 7J.
2. Whether Cullen v. Pinholster precluded consideration of the exhibit because it was not included in the state-court record filed in the federal proceeding.

HOLDINGS

1. Pinholster did not preclude adding the exhibit because it was part of the trial record and was seen or available to be seen by the Ohio Twelfth District Court of Appeals on direct appeal; adding it would not constitute admitting new evidence to assess the reasonableness of the state court's constitutional analysis.
2. The motion to expand the record was denied because the court did not need State's Exhibit 7J to properly decide Griffin's federal habeas claim.

KEY QUOTATIONS

"The determinative question is whether the Court needs the document to properly decide the case."

"Petitioner's Motion to Expand the Record is DENIED."

FACTUAL BACKGROUND

Griffin's federal habeas petition included a claim that his conviction rested on legally insufficient evidence, including allegedly conjectural testimony by a detective concerning an Amazon business record. He sought to add State's Exhibit 7J, an authenticated Amazon purchase history that had been admitted at trial and was available to the state appellate court on direct appeal. The Warden did not challenge the exhibit's authenticity but argued that it was unnecessary to adjudicate the habeas claim.

PROCEDURAL HISTORY

Griffin challenged his state conviction in federal habeas proceedings, asserting that his due process rights were violated by the use of legally insufficient evidence. The Ohio Twelfth District Court of Appeals rejected that claim and affirmed his conviction. In the federal proceeding, Griffin moved under Rule 7 of the Rules Governing § 2254 Cases to add State's Exhibit 7J; the district court denied the motion.

DISPOSITION

other

CASES CITED

- Cullen v. Pinholster, 563 U.S. 170 (2011)
- Upshaw v. Stephenson, 97 F. 4th 365, 372 (6th Cir. 2024)
- Mitchell v. Genovese, 974 F.3d 638, 647 (6th Cir. 2020)
- State v. Griffin, 2025-Ohio-1403 (Ohio App. 12th Dist., Apr. 21, 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI MICHAEL GRIFFIN, Petitioner,: Case No. 1:25-cv-793
- vs - District Judge Jeffery P. Hopkins Magistrate Judge Michael R. Merz WARDEN, Chillicothe
Correctional Institution, Respondent. DECISION AND ORDER This habeas corpus case, brought
pro se by Petitioner Michael Griffin, is before the Court on Petitioner's Motion to Expand the
Record (ECF No. 9).

The Warden opposes the Motion (ECF No. 10), and Petitioner has filed a Reply Memorandum in
Support (ECF No. 12). Rule 7 of the Rules Governing § 2254 Cases authorizes the Court to
expand the record by directing the parties to submit additional materials relating to the petition.
Petitioner asks the Court to add a document labeled State's Ex. 7J which he describes as an
"authenticated Amazon Purchase History of the Petitioner." (ECF No. 9, PageID 875).

He asserts "This evidence is necessary for this Court to review in the adjudication of the
Petitioners claim that his Constitutional right to Due Process was violated by the use of
insufficient evidence." Id. Challenged by Respondent as to the necessity of including this
document, Petitioner responded: The Amazon Purchase History is relevant to Griffin's claim that
he is held based upon insufficient evidence.

Griffin claims the Amazon Purchase History led to testimony which was conjecture, so it stands to
reason that this Court would need to review the document to compare it to the testimony of the
detective in determining whether his testimony was conjecture in regards to the Amazon Purchase
History. (Reply Memorandum, ECF No. 12, PageID 906).

The Warden does not question the authenticity of the proposed addition as an exhibit authenticated
at trial, admitted in evidence, and considered by the jury. The Assistant Attorney General notes,
however, that is it not usual to include the trial exhibits in the State Court Record filed in these
cases and that a copy of Exhibit 7J is not in the possession of either the Warden or the Attorney
General's Office (Memorandum in Opposition, ECF No. 10).

Analysis Because the exhibit was part of the trial record and seen or available to be seen by the
Ohio Twelfth District Court of Appeals on direct appeal, its addition to the record is not precluded
by Cullen v. Pinholster, 563 U.S. 170 (2011). Pinholster bars a federal court "from admitting new
evidence upon which to assess the reasonableness of a state court's constitutional analysis."
Upshaw v. Stephenson, 97 F. 4th 365, 372 (6th Cir.

2024), quoting *Mitchell v. Genovese*, 974 F.3d 638, 647 (6th Cir. 2020). Respondent correctly notes that while the Sixth Circuit requires District Courts to review the trial transcripts in habeas cases, it does not require us to review trial court exhibits. Properly storing such exhibits and maintaining the chain of custody would require extensive expansion of District Court storage capacity.¹ Adding a copy of the single document for which Petitioner 1 Picture murder weapons and bloody clothing in capital cases which frequently last for decades. contends does not present these difficulties.

The determinative question is whether the Court needs the document to properly decide the case. The relevant habeas claim is Ground Two: Ground Two: Griffin's right to due process was violated by the use of legally insufficient evidence. Supporting Facts: The other act evidence which was a pending charge were unproven allegations which cannot support inferences.

Detective McAllister [']s testimony in regards to the Amazon business record is not supported by the Amazon business record, which Griffin claims is conjecture. (Petition, ECF No. 3, PageID 30). Griffin presented this claim to the Twelfth District Court of Appeals which rejected it and affirmed his conviction. *State v. Griffin*, 2025-Ohio-1403 (Ohio App. 12th Dist., Apr.

21, 2025). The Court has examined that decision and Griffin's brief on appeal (State Court Record, ECF No. 7, Ex. 10). Having done so, the Court concludes there is no need to expand the record to include State's Ex. 7J. Petitioner's Motion to Expand the Record is DENIED. February 17, 2026.
s/ Michael R. Merz United States Magistrate Judge