

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Winston Grey B. v. Alejandro Reyes

No. 4:25-CV-04063-CBK (D.S.D. Apr. 10, 2026) · No. No. 4:25-CV-04063-CBK · Decided April 13, 2026

SUMMARY

The United States District Court for the District of South Dakota denies the petitioner’s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing his 28 U.S.C. § 2241 habeas petition as untimely. The court concludes that the motion presents no new law undermining its prior conclusion and that South Dakota statutes and case law cannot extend or override the applicable federal habeas limitations period.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Charles B. Kornmann
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	April 13, 2026
DOCKET	No. 4:25-CV-04063-CBK
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing his § 2241 habeas petition as untimely.
STANDARD OF REVIEW	A Rule 59(e) motion is available to correct manifest errors of law or fact or to present newly discovered evidence, but it may not be used to introduce new evidence, assert new legal theories, or raise arguments that could have been presented before judgment.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Winston Grey B. v. Alejandro Reyes

TOPICS

federal habeas corpus

motion for reconsideration

statute of limitations

post-conviction relief

appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether petitioner met the requirements for relief under Federal Rule of Civil Procedure 59(e) from the judgment dismissing his § 2241 petition as untimely.
2. Whether South Dakota statutes or state case law could extend or override the federal one-year limitations period governing the habeas petition.
3. Whether petitioner's arguments concerning an ongoing sentence, Rule 35, and equitable tolling established a basis to alter or amend the judgment.

HOLDINGS

1. Relief under Rule 59(e) was not warranted because petitioner identified no new law or other basis establishing a manifest error in the court's prior conclusion that his § 2241 petition was untimely.
2. South Dakota statutes and South Dakota case law cannot extend or overrule the federal habeas limitations law applicable to petitioner's § 2241 petition.

KEY QUOTATIONS

“Indeed, the availability of Rule 59(e) may make habeas proceedings more efficient. Most obviously, the Rule enables a district court to reverse a mistaken judgment, and so make an appeal altogether unnecessary.”

(516-17)

“It should be noted that Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence. Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.”

(933)

“A case in which a timely Rule 59(e) motion has been filed lacks finality because the motion tolls the time limitation for appeal in order to provide the trial court with jurisdiction to resolve the motion.” (1286)

FACTUAL BACKGROUND

Petitioner challenged the South Dakota Board of Pardons and Paroles' 2008 recalculation of his good-conduct credits, parole eligibility date, and final discharge date. He argued that his sentence was ongoing, that he could challenge its legality at any time under Federal Rule of Criminal Procedure 35 and South Dakota law, and that equitable tolling applied. The court had previously concluded that the § 2241 petition was untimely under the one-year limitations period in § 2244(d).

PROCEDURAL HISTORY

Petitioner filed a 28 U.S.C. § 2241 petition challenging the South Dakota Board of Pardons and Paroles' 2008 recalculation of his good-conduct credits, parole eligibility date, and final discharge date. The court dismissed the petition as barred by the one-year limitations period in 28 U.S.C. § 2244(d) and entered judgment. Petitioner then filed a Rule 59(e) motion, which the court denied.

DISPOSITION

other

CASES CITED

- Banister v. Davis, 590 U.S. 504, 516-17, 140 S. Ct. 1698, 1708, 207 L. Ed. 2d 58 (2020)
- United States v. Metro. St. Louis Sewer Dist., 440 F.3d 930, 933 (8th Cir. 2006)
- Innovative Home Health Care, Inc. v. P.T.-O.T. Associates of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998)