

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

William McGee v. Warden, Belmont Correctional Institution

McGee · No. 2:25-cv-00446 · Decided January 22, 2026

SUMMARY

The United States District Court for the Southern District of Ohio overruled William McGee’s objections to a magistrate judge’s substituted report and recommendations in his federal habeas corpus case. The court held that his Fourth Amendment claims were barred under *Stone v. Powell*, that several ineffective-assistance claims were procedurally defaulted, and that his remaining claims did not warrant habeas relief. The court dismissed the petition with prejudice, denied a certificate of appealability, and certified that any appeal would be objectively frivolous.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	James L. Graham
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 22, 2026
DOCKET	2:25-cv-00446
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief from his 2021 Ohio convictions and objected to a magistrate judge's Substituted Report and Recommendations. The district court conducted de novo review under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), overruled the objections, adopted the report, dismissed the petition with prejudice, denied a certificate of appealability, and certified that an appeal would be objectively frivolous and should not proceed in forma pauperis.
STANDARD OF REVIEW	The district court reviewed the objected-to portions of the magistrate judge's report de novo under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). The court applied AEDPA deference to the state court's adjudication of the insufficiency-of-the-evidence claim

	and deferred to the state court's application of Ohio procedural law where appropriate.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reporter citation or stated precedential designation.
PARTIES	William McGee v. Warden, Belmont Correctional Institution

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QUESTIONS PRESENTED

1. Whether McGee's Fourth Amendment suppression claims were reviewable in federal habeas despite the state courts' denial of suppression.
2. Whether McGee's ineffective-assistance-of-trial-counsel claim based on alibi evidence was procedurally defaulted because the supporting evidence was outside the direct-appeal record and was not presented in a timely Ohio post-conviction petition.
3. Whether McGee's claim concerning admission of his prior drug-conspiracy conviction stated a federal constitutional claim cognizable in habeas.
4. Whether McGee's manifest-weight and insufficient-evidence claims warranted federal habeas relief.
5. Whether McGee's ineffective-assistance-of-appellate-counsel claims were procedurally defaulted because his Ohio Rule 26(B) application was untimely and he did not appeal the state court's decision to the Ohio Supreme Court.

HOLDINGS

1. Federal habeas review of McGee's Fourth Amendment claims was barred because Ohio provided him a full and fair opportunity to litigate those claims in state court.
2. McGee's ineffective-assistance-of-trial-counsel claim was procedurally defaulted because Ohio law required claims dependent on evidence outside the direct-appeal record to be presented in a post-conviction petition, and the time for filing such a petition had expired.
3. McGee was not entitled to habeas relief because he failed to present the claim as a federal constitutional claim in the Ohio courts.
4. The manifest-weight claim was not cognizable on federal habeas review, and the insufficiency-of-the-evidence claim failed because the state court's decision was entitled to deference and the evidence was sufficient to show that McGee knowingly fired into a habitation.

5. McGee's ineffective-assistance-of-appellate-counsel claims were procedurally defaulted because the Ohio Tenth District found his Rule 26(B) application untimely for lack of good cause, and he also failed to appeal that decision to the Ohio Supreme Court.

KEY QUOTATIONS

“Considering these facts, the Tenth District wrote: {¶ 5} Upon review, we find McGee’s explanation for his delayed filing insufficient to establish good cause under App.R. 26(B)(1).” (Grounds Six through Thirteen)

FACTUAL BACKGROUND

McGee was convicted in Ohio in 2021, including on charges arising from his firing a gun toward an intended victim, with a shot entering a habitation. He asserted that the state courts should have suppressed evidence, that trial counsel inadequately presented alibi evidence, that the trial court improperly admitted a prior drug-conspiracy conviction, and that the evidence was insufficient or against the manifest weight of the evidence. He also raised multiple claims of ineffective assistance of appellate counsel, but his Ohio Rule 26(B) application was untimely and he delayed nearly two months after learning of a prison-mailroom problem before filing it.

PROCEDURAL HISTORY

McGee was convicted in the Franklin County Court of Common Pleas in 2021. He pursued state appellate proceedings, including an unsuccessful Ohio Appellate Rule 26(B) application concerning ineffective assistance of appellate counsel. He then filed this federal habeas petition. The magistrate judge recommended denial or dismissal of the claims, and the district court reviewed and adopted that recommendation after considering McGee's objections.

DISPOSITION

dismissed

CASES CITED

- Stone v. Powell, 428 U.S. 465 (1976)
- Maupin v. Smith, 785 F.2d 135, 138 (6th Cir. 1986)
- State v. Hooks, 92 Ohio St. 3d 83 (2001)
- State v. Hartman, 93 Ohio St. 3d 274, 299 (2001)
- State v. Keith, 79 Ohio St. 3d 514, 536 (1997)
- State v. Scott, 63 Ohio App. 3d 304, 308 (1989)
- State v. Smith, 17 Ohio St. 3d 98, 101 n.1 (1985)
- Simpson v. Sparkman, 94 F.3d 199, 203 (6th Cir. 1996)
- Johnson v. Havener, 534 F.2d 1232 (6th Cir. 1986)
- Harrington v. Richter, 562 U.S. 86 (2011)

