

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Jonathan Cooper v. Allen Beard, Jr.

Cooper · No. 3:25-CV-279-TAV-JEM · Decided March 12, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee ruled on a respondent’s motion concerning the filing of sealed state-court post-conviction exhibits and the petitioner’s renewed motion for appointment of counsel in a 28 U.S.C. § 2254 proceeding. The court denied waiver of the complete state-court record but permitted the specified sensitive exhibits to be filed ex parte and under seal, and denied appointment of counsel without prejudice to sua sponte appointment if an evidentiary hearing becomes necessary.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	March 12, 2026
DOCKET	3:25-CV-279-TAV-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a pro se federal habeas action under 28 U.S.C. § 2254. The court addressed the respondent's motion concerning filing the state-court record and the petitioner's renewed motion for appointment of counsel.
STANDARD OF REVIEW	The court evaluated whether the sealed state-court exhibits were potentially relevant to the § 2254 claims and whether good cause supported maintaining them ex parte and under seal. It also applied Federal Rule of Civil Procedure 11(a) to the unsigned motion for appointment of counsel and considered the appointment standard under Rule 8(c) of the Rules Governing Section 2254 Cases.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jonathan Cooper, Petitioner v. Allen Beard, Jr., Respondent

TOPICS

federal habeas corpus

post-conviction relief

pleadings

evidence

due process

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Civil procedure

Evidence

Constitutional law

QUESTIONS PRESENTED

1. Whether the respondent should be permitted to waive filing the complete state-court record or instead file specified sensitive exhibits ex parte and under seal.
2. Whether the petitioner was entitled to renewed appointment of counsel in the non-capital § 2254 proceeding.

HOLDINGS

1. The court denied the request to waive filing of the complete state-court record because the sealed exhibits could be relevant to the petitioner's ineffective-assistance-of-counsel and Brady claims and to review under 28 U.S.C. § 2254(d)(2). The court permitted the specified exhibits to be filed ex parte and under seal because their highly personal nature and limited prior disclosure established good cause.
2. The renewed motion for appointment of counsel was denied because it was unsigned in violation of Federal Rule of Civil Procedure 11(a), and the court had already determined that the sealed evidence could be filed and reviewed in the federal proceeding. The court retained authority to appoint counsel sua sponte if an evidentiary hearing became necessary.

KEY QUOTATIONS

“Therefore, out of an abundance of caution, the Court finds that it should be presented with the same records that were filed in state court.” (Section I)

“The Court will sua sponte appoint counsel for Petitioner if it determines that an evidentiary hearing is necessary in this case.” (Section II)

FACTUAL BACKGROUND

Cooper's federal habeas petition raises ineffective-assistance-of-counsel and Brady claims related to sealed state-court post-conviction exhibits, including a second amended post-conviction petition, a forensic interview, juvenile court records, and Department of Children's Services records concerning the minor victim. The exhibits had been sealed in state court, and the state trial court had conducted an in camera review, providing the parties access only to portions containing potentially exculpatory material. Cooper proceeded pro se and sought appointed counsel to review and litigate issues concerning the sealed materials.

PROCEDURAL HISTORY

Cooper filed a § 2254 petition challenging Knox County convictions for aggravated sexual battery, incest, and rape of a child. Respondent moved to waive filing of several sealed post-conviction exhibits or, alternatively, to file them ex parte and under seal. Cooper renewed his request for appointed counsel. The court denied waiver of

the complete state-court record, granted leave to file the identified exhibits ex parte and under seal, and denied the renewed motion for appointment of counsel.

DISPOSITION

other

CASES CITED

- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Pennsylvania v. Ritchie, 480 U.S. 39, 58-60 (1987)

OPINION

Cooper

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
JONATHAN COOPER,)

) Petitioner,)) v.) No.: 3:25-CV-279-TAV-JEM)

ALLEN BEARD, JR.,)

) Respondent.)

ORDER

Petitioner filed this pro se federal habeas action under 28 U.S.C. § 2254 challenging his multiple Knox County convictions for aggravated sexual battery, incest, and rape of a child [Doc. 1]. Before the Court are Respondent's motion to waive the requirement to file multiple post-conviction exhibits [Doc. 15] and Plaintiff's renewed motion to appoint counsel [Doc. 19]. The Court considers each motion in turn.

I. MOTION TO WAIVE

Respondent motions the Court for leave from the Court's Order directing him to file the complete state-court record in this action, or, alternatively, to file the exhibits ex parte and under seal [Doc. 1, 5 p. 1]. Specifically, he seeks to waive the filing requirement as to

- (1) post-conviction Exhibit 1, the second amended petition for post-conviction relief;
- (2) post-conviction Exhibit 3, the forensic interview of the minor victim in this case;
- (3) post-conviction Exhibit 4, the minor victim's collected juvenile court records;
- (4) post-conviction Exhibit 8, the collected Department of Children's Services ("DCS") records related to the minor victim; and (5) "three supplements to the post-conviction technical record [that] were also filed under seal in the state court" [Id.]. Respondent maintains that these exhibits (1) are "irrelevant to the resolution of the petition[.]"
- (2) "include personal, identifying, or embarrassing information related to the minor victim in this case[.]" and (3) are summarized elsewhere in the record and by the Tennessee Court of

Criminal Appeals (“TCCA”) [Doc. 15, pp. 1–2]. Petitioner opposes the request arguing, among other things, that the TCCA relied upon these documents in denying Petitioner relief [Doc. 18]. At this stage of the proceedings, it is not clear to the Court that the exhibits introduced under seal in Petitioner’s state-court proceedings are irrelevant in this case. Petitioner has raised federal habeas ineffective-assistance-of-counsel and Brady¹ claims that relate to these exhibits [see Doc. 1, pp. 15, 18] and the TCCA seemingly considered the documents in its review on post-conviction appeal. Moreover, federal habeas review requires the reviewing court to determine if the state-court’s adjudication of the merits was “based on an unreasonable determination of facts in light of the evidence presented” in state court. See 28 U.S.C. § 2254(d)(2). Therefore, out of an abundance of caution, the Court finds that it should be presented with the same records that were filed in state court. However, these records were sealed in state court, and pursuant to a protective order, the parties were given access only to the portions of those records containing potentially exculpatory material after the trial court conducted an in camera review pursuant to 1 *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (holding that the prosecution’s suppression of evidence favorable to the accused and material to the defense violates due process). *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987)² [See, e.g., Doc. 14-13, pp. 59–63, 66]. Given the highly personal nature of these records and the fact that they have been primarily undisclosed to date, the Court finds good cause exists to require the records be submitted and maintained ex parte and under seal. See E.D. Tenn. L.R. 26.2(a), (b). Accordingly, Respondent’s motion [Doc. 15] is GRANTED in part and DENIED in part. The motion is DENIED insofar as it seeks to waive the filing of the full state-court record and GRANTED to the extent that it alternatively moves for leave to file the exhibits ex parte and under seal. Respondent is ORDERED to contact a Division Manager for specific instructions prior to filing these exhibits with the Court.

II. MOTION TO APPOINT COUNSEL

Petitioner’s “Renewed Motion for Appointment of Counsel” acknowledges the Court previously found he was not entitled to appointed counsel [see Doc. 7, pp. 2–3] but maintains that “significant procedural and evidentiary developments have arisen that warrant reconsideration and justify appointment of counsel in the interests of justice” [Doc. 19, p. 1]. Specifically, he maintains that, because he is proceeding pro se, he cannot review or contest the sealed documents in this case, and that it is necessary to appoint counsel to review the documents, litigate any evidentiary issues, and ensure the Court’s review is based on the same record as presented to the state courts [Id. at 2–3].² See *Ritchie*, 480 U.S. at 58–60 (holding defendant had due process right to have judge conduct in camera review of third-party agency file on victim to determine whether it contained favorable or material evidence that must be turned over to the defense). However, Petitioner’s unsigned motion contravenes Rule 11 of the Federal Rules of Civil Procedure, which requires a pro se party to personally sign “[e]very pleading, written motion, and other paper[.]” Fed. R. Civ. P. 11(a). Moreover, the Court has already ruled that the sealed evidence presented in state court, at a time when Petitioner had appointed counsel and the trial court conducted an in camera review in

compliance with Ritchie, should be filed with this Court so that it can conduct a review of the record as it was presented to the state courts. Accordingly, Petitioner's renewed motion for the appointment of counsel [Doc. 19] is DENIED. The Court will sua sponte appoint counsel for Petitioner if it determines that an evidentiary hearing is necessary in this case. See Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts (requiring appointment of counsel in a non-capital case "[i]f an evidentiary hearing is warranted"). IT IS SO ORDERED.
s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE