

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Clyde James Barnes, Jr. v. Tommy Williams

Barnes v. Williams · No. 5:26-cv-03022-JWL · Decided March 4, 2026

SUMMARY

The United States District Court for the District of Kansas issued a memorandum and order to show cause in a pro se 28 U.S.C. § 2254 habeas action filed by Clyde James Barnes, Jr. Because Barnes's related state-court proceedings under K.S.A. 60-1507 remained pending and involved overlapping claims, the court concluded that comity, federalism, and exhaustion principles favored dismissal without prejudice. The court gave Barnes until April 6, 2026, to show cause why the action should not be dismissed.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 4, 2026
DOCKET	5:26-cv-03022-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 while related state-court proceedings under K.S.A. 60-1507 remained pending. Upon initial review under Rule 4, the court ordered petitioner to show cause why the federal action should not be dismissed without prejudice.
STANDARD OF REVIEW	Initial review under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts; the court considered whether the petition should be dismissed without prejudice because state remedies remained pending and unexhausted.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order directing petitioner to show cause
PARTIES	Clyde James Barnes, Jr. v. Tommy Williams

TOPICS

federal habeas corpus

state post-conviction relief

post-conviction relief

comity

statute of limitations

PRACTICE AREAS

Federal habeas corpus

State post-conviction relief

Criminal procedure

Federal courts

QUESTIONS PRESENTED

1. Whether the federal court should refrain from adjudicating Barnes's § 2254 claims while related state-court post-conviction proceedings remained pending.
2. Whether dismissal without prejudice was appropriate because Barnes had not exhausted his available state-court remedies.
3. Whether the AEDPA one-year statute of limitations weighed against dismissal without prejudice.

HOLDINGS

1. At the initial-review stage, principles of comity and federalism favored refraining from consideration of Barnes's federal habeas claims while his related K.S.A. 60-1507 proceedings remained pending.
2. The court was inclined to dismiss the federal habeas action without prejudice to allow Barnes to complete the pending state-court proceedings and any necessary appeal, subject to his opportunity to show cause.
3. The apparent AEDPA limitation period did not weigh against dismissal without prejudice because the period had been statutorily tolled during the pendency of Barnes's properly filed K.S.A. 60-1507 proceeding, leaving approximately 360 days after that proceeding concluded.

KEY QUOTATIONS

“the interests of comity and federalism dictate that state courts must have the first opportunity to decide a petitioner's claims.”

“this Court generally will not decide issues, even federal constitutional issues, which are pending before the state courts.”

“The Court will grant Petitioner time in which to show good cause, in writing, why this matter should not be dismissed without prejudice.”

FACTUAL BACKGROUND

In May 2022, a Johnson County, Kansas, jury convicted Clyde James Barnes, Jr. of murder, aggravated burglary, tampering with an electronic monitoring device, criminal threat, and violating a protective order. In October 2022, the state court sentenced him to lifetime imprisonment with a mandatory minimum of 620 months for murder and consecutive sentences totaling 848 months. After the Kansas Supreme Court affirmed his convictions and sentence, Barnes pursued a motion to correct an illegal sentence and a K.S.A. 60-1507 proceeding in state court. The state post-conviction proceeding remained pending when Barnes filed his federal § 2254 petition.

PROCEDURAL HISTORY

A Kansas jury convicted Barnes of murder and several other offenses, and the state district court imposed a sentence exceeding 800 months. The Kansas Supreme Court affirmed the convictions and sentence on February 21, 2025. Barnes then filed a motion to correct an illegal sentence and a K.S.A. 60-1507 motion, the latter of which remained pending when he filed this federal habeas petition on February 9, 2026. The federal court concluded that the pending state proceedings implicated comity, federalism, and exhaustion principles and ordered Barnes to show cause before dismissal without prejudice.

DISPOSITION

other

CASES CITED

- State v. Barnes, 320 Kan. 147, 148 (2025)
- Rhines v. Weber, 544 U.S. 269, 273 (2005)
- Rose v. Lundy, 455 U.S. 509, 518-19 (1982)
- Younger v. Harris, 401 U.S. 37, 46 (1971)
- Kelly v. Robinson, 479 U.S. 36, 49 (1986)
- Picard v. Connor, 404 U.S. 270, 275-76 (1971)
- Styskal v. Weld County Bd. of County Commissioners, 365 F.3d 855, 858 (10th Cir. 2004)
- Semtek International Inc. v. Lockheed Martin Corp., 531 U.S. 497, 505 (2001)
- Duckworth v. Serrano, 454 U.S. 1, 3 (1981)
- Fairchild v. Workman, 579 F.3d 1134, 1156 (10th Cir. 2009)
- Goodwin v. Oklahoma, 923 F.2d 156, 157 (10th Cir. 1991)
- Preston v. Gibson, 234 F.3d 1118, 1120 (10th Cir. 2000)
- Jimenez v. Quarterman, 555 U.S. 113, 119 (2009)
- Harris v. Dinwiddie, 642 F.3d 902-07 n.6 (10th Cir. 2011)
- United States v. Hurst, 322 F.3d 1256, 1259 (10th Cir. 2003)