

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
WISCONSIN

Wayne I. Corbeil, Jr. v. Walter Zuehlke

Corbeil v. Zuehlke, No. 25-cv-1254-pp (E.D. Wis. Jan. 27, 2026) · No. 25-cv-1254-pp · Decided January 27, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin granted Wayne I. Corbeil, Jr.’s motion to proceed without prepaying the habeas filing fee. The court dismissed his 28 U.S.C. § 2254 petition without prejudice because the requested relief was not appropriate habeas relief, the petition appeared untimely and unexhausted, and it did not establish a constitutional or federal-law basis for relief. The court denied his motions for appointment of counsel as moot and declined to issue a certificate of appealability.

CASE DETAILS

|                    |                                                                                                                             |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of Wisconsin                                                          |
| JURISDICTION       | United States District Court for the Eastern District of Wisconsin                                                          |
| DECIDED            | January 27, 2026                                                                                                            |
| DOCKET             | 25-cv-1254-pp                                                                                                               |
| DISPOSITION        | dismissed                                                                                                                   |
| PROCEDURAL POSTURE | Habeas corpus petition filed by state prisoner challenging conditions of supervision. Court screened petition under Rule 4. |
| STANDARD OF REVIEW | Screening under Rule 4 of the Rules Governing Section 2254 Cases                                                            |
| PRECEDENTIAL VALUE | unpublished                                                                                                                 |
| PARTIES            | Wayne I. Corbeil, Jr. v. Walter Zuehlke                                                                                     |

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- civil procedure
- sentence modification

PRACTICE AREAS

- habeas corpus
- criminal law
- civil rights

QUESTIONS PRESENTED

1. Whether a habeas petition is the proper vehicle to challenge conditions of supervision where the relief sought is not release from custody
2. Whether the petition was timely filed within the one-year limitations period
3. Whether petitioner exhausted state court remedies before filing federal habeas petition
4. Whether the petition stated cognizable grounds for habeas relief under 28 U.S.C. § 2254

## **HOLDINGS**

1. A petition seeking a cell phone with Internet access does not request relief authorized under 28 U.S.C. § 2254, which permits courts to order release from unlawful custody or unlawful conditions of supervision.
2. The petition was not timely filed. The judgment imposing the challenged conditions of supervision became final in 2014, and the petition was filed over eleven years later in 2025, well beyond the one-year limitations period under 28 U.S.C. § 2254(d)(1)(A).
3. Petitioner failed to exhaust state court remedies because he did not appeal the conditions of supervision through the Wisconsin appellate courts (Court of Appeals and Supreme Court) before filing his federal petition.
4. The petition failed to identify any grounds for § 2254 relief because it did not allege that the conditions of supervision violated the Constitution, laws, or treaties of the United States.

## **KEY QUOTATIONS**

*“The restrictions that make up probation are considered a type of confinement rather than conditions of confinement.”*

*“Habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release.”*

## **FACTUAL BACKGROUND**

Petitioner was convicted of possession of child pornography in 2013 and sentenced to prison followed by extended supervision. As conditions of extended supervision, the state court prohibited him from having access to or using a computer or any device capable of Internet access. Petitioner filed multiple unsuccessful requests in state court to modify these conditions to allow Internet access. He then filed a federal habeas petition seeking a cell phone with Internet access.

## **PROCEDURAL HISTORY**

Petitioner filed a federal habeas corpus petition under 28 U.S.C. § 2254 challenging conditions of extended supervision (prohibition on Internet/cell phone access). The court screened the petition pursuant to Rule 4 of the Rules Governing § 2254 Cases.

## **DISPOSITION**

dismissed

#### CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475 (1973)
- Drollinger v. Milligan, 552 F.2d 1220 (7th Cir. 1977)
- Tobey v. Chibucos, 890 F.3d 634 (7th Cir. 2018)
- O'Sullivan v. Boerckel, 526 U.S. 838 (1999)
- Rose v. Lundy, 455 U.S. 509 (1982)
- Thomas v. McCaughtry, 201 F.3d 995 (7th Cir. 2000)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Cochran v. Buss, 381 F.3d 637 (7th Cir. 2004)
- Moran v. Sondalle, 218 F.3d 647 (7th Cir. 2000)
- Slack v. McDaniel, 529 U.S. 473 (2000)
- Giles v. Godinez, 914 F.3d 1040 (7th Cir. 2019)
- Navejar v. Iyiola, 718 F.3d 692 (7th Cir. 2013)
- Pruitt v. Mote, 503 F.3d 647 (7th Cir. 2007)
- Glaus v. Anderson, 408 F.3d 382 (7th Cir. 2005)

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