

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

David Lee Daniels II v. Warden, Joseph Harp Correctional Center

Daniels v. Warden, Joseph Harp Correctional Center, Case No. CIV-25-1085-R (W.D. Okla. Dec. 31, 2025) · No. CIV-25-1085-R · Decided December 31, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge's recommendation and dismissed David Lee Daniels II's third 28 U.S.C. § 2254 habeas petition without prejudice. The court held that the petition was second or successive because the Oklahoma Survivors Act resentencing denial was not a new judgment and newly published Virginia Tech research did not provide a previously undiscoverable factual predicate. The court declined to transfer the matter to the Tenth Circuit and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 31, 2025
DOCKET	CIV-25-1085-R
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition under 28 U.S.C. § 2254; the district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal of a third habeas petition as second or successive.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's Report and Recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1)(C); objections were construed liberally because petitioner proceeded pro se, but the court did not act as his advocate.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status
PARTIES	David Lee Daniels II v. Warden, Joseph Harp Correctional Center

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Daniels's petition was second or successive under 28 U.S.C. § 2244(b) because it challenged the same underlying convictions and lacked authorization from the Tenth Circuit.
2. Whether denial of resentencing under the Oklahoma Survivors Act constituted a new judgment that made the petition non-successive.
3. Whether newly published Virginia Tech research supplied a factual predicate that prevented Daniels's ineffective-assistance and other claims from being second or successive.
4. Whether the petition should be transferred to the Tenth Circuit under 28 U.S.C. § 1631 rather than dismissed.
5. Whether Daniels was entitled to a certificate of appealability.

HOLDINGS

1. Because Daniels had previously litigated habeas petitions concerning the same state convictions and had not obtained authorization from the Tenth Circuit, the petition was second or successive and the district court lacked jurisdiction under 28 U.S.C. § 2244(b)(3)(A).
2. Denial of an application for resentencing under the Oklahoma Survivors Act did not constitute a new judgment for purposes of the successive-habeas rules because Daniels was challenging a state post-conviction procedure rather than the imposition of his conviction or sentence.
3. The 2024–2025 Virginia Tech research did not supply a newly discovered factual predicate for Daniels's ineffective-assistance claim because counsel could not have been deficient for failing to present a study that did not yet exist, and the underlying childhood-abuse and decision-making theory had long been available.
4. Transfer under 28 U.S.C. § 1631 was not in the interest of justice because Daniels's Survivors Act claims were not cognizable and therefore meritless, and no meritorious successive claim risked being lost through dismissal.
5. A certificate of appealability was denied because Daniels did not make a substantial showing of the denial of a constitutional right and reasonable jurists would not debate the procedural ruling.

KEY QUOTATIONS

“Because Petitioner has failed to show any of his claims are not second or successive, the Court lacks jurisdiction over his Petition.” (Discussion)

“Accordingly, the Report and Recommendation is ADOPTED in its entirety. This matter is DISMISSED WITHOUT PREJUDICE.” (Conclusion)

FACTUAL BACKGROUND

Daniels, a state prisoner, challenged Oklahoma convictions for first-degree burglary and concealing stolen property in a third § 2254 petition. He argued that denial of resentencing under the Oklahoma Survivors Act created a new judgment and that 2024–2025 Virginia Tech neuroscience publications supplied newly discovered factual predicates for his claims. The court concluded that the Survivors Act proceeding was a state post-conviction procedure rather than a new judgment and that the research did not constitute a factual predicate unavailable through due diligence.

PROCEDURAL HISTORY

Daniels filed a § 2254 petition challenging convictions for first-degree burglary and concealing stolen property. Magistrate Judge Shon T. Erwin recommended dismissal for lack of jurisdiction because the petition was second or successive and Daniels had not obtained authorization from the Tenth Circuit. After Daniels objected, the district court conducted de novo review of the specifically challenged portions, adopted the Report and Recommendation in full, dismissed the petition without prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Hall v. Miller, No. CIV-25-00518-JD, 2025 WL 2630738, at *1 (W.D. Okla. Sept. 12, 2025)
- United States v. 2121 E. 30th St., 73 F.3d 1057, 1059–60 (10th Cir. 1996)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Daniels v. Dowling, Case No. 19-374-R (W.D. Okla. Apr. 25, 2019)
- Daniels v. Harding, Case No. 24-270-R (W.D. Okla. Mar. 13, 2024)
- Magwood v. Patterson, 561 U.S. 320, 331 (2010)
- Brewer v. Drummond, 751 F. Supp. 3d 1246, 1256–59 (N.D. Okla. 2024)
- Pennsylvania v. Finley, 481 U.S. 551, 556–57 (1987)
- Sellers v. Ward, 135 F.3d 1333, 1339 (10th Cir. 1998)
- Graham v. White, 101 F.4th 1199, 1205 (10th Cir. 2024)
- Parker v. Tensley, No. CIV-25-767-D, 2025 WL 3443227, at *2 (W.D. Okla. Dec. 1, 2025)
- Panetti v. Quarterman, 551 U.S. 930 (2007)
- In re Weathersby, 717 F.3d 1108 (10th Cir. 2013)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- In re Cline, 531 F.3d 1249, 1251–52 (10th Cir. 2008)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)

- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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