

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

Marvin J. Benson v. Shelby Smith, Warden of Belmont Correctional
Institution

Benson · No. 2:24-cv-3771 · Decided January 14, 2026

SUMMARY

The United States District Court for the Southern District of Ohio reviews objections to Reports and Recommendations concerning Marvin J. Benson’s federal habeas petition under 28 U.S.C. § 2254. The court rejects Benson’s ineffective-assistance claim, concludes that his remaining claims are procedurally defaulted, and holds that the magistrate judge properly exercised jurisdiction under 28 U.S.C. § 636(b). The court adopts the Reports and Recommendations, dismisses the amended petition with prejudice, denies a certificate of appealability, and certifies that an appeal would be objectively frivolous.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Douglas R. Cole
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 14, 2026
DOCKET	2:24-cv-3771
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus proceeding under 28 U.S.C. § 2254. The district court reviewed the magistrate judge's Report and Recommendation and Supplemental Report and Recommendation after Benson filed objections.
STANDARD OF REVIEW	The district court reviewed objected-to portions of the magistrate judge's recommendations de novo under Federal Rule of Civil Procedure 72(b)(3), reviewed unobjected portions for clear error, and applied AEDPA's deferential standards under 28 U.S.C. § 2254(d) to the ineffective-assistance claim adjudicated on the merits by the state court.

PRECEDENTIAL VALUE	unpublished
PARTIES	Marvin J. Benson v. Shelby Smith, Warden of Belmont Correctional Institution

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QUESTIONS PRESENTED

1. Whether the magistrate judge had authority under 28 U.S.C. § 636(b) and the district court's local referral order to issue reports and recommendations without Benson's consent.
2. Whether the federal habeas court could consider evidence outside the state-court record in reviewing Benson's § 2254 claims.
3. Whether the Ohio appellate court unreasonably applied *Strickland v. Washington* or unreasonably determined the facts in rejecting Benson's ineffective-assistance claim based on counsel's failure to seek suppression of his police statements.
4. Whether Benson's remaining habeas claims were procedurally defaulted under Ohio's res judicata rule.
5. Whether Benson had a constitutional right to be co-indicted or tried jointly with the separately charged co-defendant.

HOLDINGS

1. A magistrate judge may handle non-dispositive matters and issue reports and recommendations on dispositive matters in a non-capital § 2254 case under 28 U.S.C. § 636(b) and the district court's referral order without the petitioner's consent.
2. In reviewing a state-court adjudication under 28 U.S.C. § 2254(d), the federal court is generally limited to the record that was before the state court that adjudicated the claim, absent an applicable exception such as an actual-innocence gateway claim.
3. Benson failed to show that the Ohio appellate court unreasonably applied *Strickland v. Washington* or unreasonably determined the facts when it rejected his claim that trial counsel was ineffective for failing to seek suppression of his statements after an allegedly unlawful arrest.
4. Benson's remaining claims were procedurally defaulted because Ohio's res judicata rule barred claims that could have been raised on direct appeal, the state courts enforced that rule, and Benson failed to establish cause and prejudice or a fundamental miscarriage of justice.

5. There is no constitutional right to be co-indicted or jointly tried with another person charged separately in connection with the same offense.

KEY QUOTATIONS

“Because the Court further agrees with the Magistrate Judge that reasonable jurists would not disagree with these conclusions, the Court DENIES Benson a certificate of appealability and CERTIFIES that any appeal of this Opinion and Order would be objectively frivolous.”

“A magistrate judge may handle non-dispositive matters and issue reports and recommendations on dispositive matters in a non-capital § 2254 case under 28 U.S.C. § 636(b) and the district court's referral order without the petitioner's consent.”

“Because Benson was not unlawfully arrested, it was unlikely that a motion to suppress his statements on those grounds would have succeeded.”

“So the Court concludes that Benson's claims are barred by res judicata and thus are procedurally defaulted.”

FACTUAL BACKGROUND

Benson's girlfriend's six-year-old son died after suffering blunt-force abdominal trauma, a ruptured bowel, peritonitis, and other injuries. During police questioning, Benson initially gave one account of the child's injuries and later admitted kicking and throwing the child. Benson was convicted in Ohio state court of felony murder and related offenses after a jury trial.

PROCEDURAL HISTORY

Benson was convicted in Ohio state court of felony murder and related offenses and sentenced to fifteen years to life. The Ohio Fifth District Court of Appeals affirmed his conviction, and the Ohio Supreme Court declined jurisdiction. Benson later filed a state post-conviction petition, which was denied on res judicata grounds and affirmed on appeal. He then filed this federal habeas petition. The magistrate judge recommended dismissal with prejudice, and the district court overruled Benson's objections, adopted both recommendations, dismissed the amended petition with prejudice, denied a certificate of appealability, and terminated the case.

DISPOSITION

dismissed

CASES CITED

- State v. Benson, 2020-Ohio-1258
- Clark v. Stone, 998 F.3d 287, 298 (6th Cir. 2021)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Cullen v. Pinholster, 563 U.S. 170, 181–82 (2011)
- Schlup v. Delo, 513 U.S. 298, 327–28 (1995)

- *Upshaw v. Stephenson*, 97 F.4th 365, 372 (6th Cir. 2024)
- *White v. Plappert*, 131 F.4th 465, 476 (6th Cir. 2025)
- *Burt v. Titlow*, 571 U.S. 12, 19 (2013)
- *Wilds v. Warden, Chillicothe Corr. Inst.*, 745 F. Supp. 3d 591, 598 (S.D. Ohio 2024)
- *Brumfield v. Cain*, 576 U.S. 305, 314 (2015)
- *Clark v. O'Dea*, 257 F.3d 498, 506 (6th Cir. 2001)
- *State v. Edwards*, 68 N.E.3d 228, ¶ 19 (Ohio Ct. App. 2016)
- *O'Sullivan v. Boerckel*, 526 U.S. 838, 842, 845 (1999)
- *Wogenstahl v. Mitchell*, 668 F.3d 307, 322 (6th Cir. 2012)
- *Davila v. Davis*, 582 U.S. 521, 527–28 (2017)
- *Williams v. Anderson*, 460 F.3d 789, 805–06 (6th Cir. 2006)
- *Coleman v. Thompson*, 501 U.S. 722, 750 (1991)
- *Maupin v. Smith*, 785 F.2d 135, 138 (6th Cir. 1986)
- *Barton v. Warden, S. Ohio Corr. Facility*, 786 F.3d 450, 464–65 (6th Cir. 2015)
- *Williams v. Bagley*, 380 F.3d 932, 967 (6th Cir. 2004)
- *State v. Davis*, 894 N.E.2d 1221, 1223 (Ohio 2008)
- *State v. Benson*, 2025-Ohio-345 (Ohio Ct. App. Feb. 3, 2025)
- *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972)
- *Franklin v. Rose*, 765 F.2d 82, 84–85 (6th Cir. 1985)
- *McNeil v. United States*, 508 U.S. 106, 113 (1993)
- *Johnson v. Stewart*, No. 08-1521, 2010 WL 8738105, at *3 (6th Cir. May 5, 2010)
- *Bates v. Ohio Dep't of Rehab. & Corr.*, No. 1:22-cv-337, 2023 WL 4348835, at *1 (S.D. Ohio July 5, 2023)
- *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)
- *Howard v. Secretary of Health & Human Services*, 932 F.2d 505, 509 (6th Cir. 1991)
- *Redmon v. Noel*, No. 1:21-cv-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021)

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