

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY

Jerard Garrett v. Laura Plappert, Warden

Civil Action No. 3:24-CV-00078-CRS-CHL · No. 3:24-CV-00078-CRS-CHL · Decided June 23, 2026

SUMMARY

The United States District Court for the Western District of Kentucky overruled Jerard Garrett’s objections to the magistrate judge’s report and recommendation and adopted the recommendation in full. The court denied Garrett’s 28 U.S.C. § 2254 habeas petition, concluding that his claims were procedurally defaulted, noncognizable, or failed under applicable federal law. The court also denied a certificate of appealability and certified that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky
WRITING FOR THE COURT	Charles R. Simpson III
JURISDICTION	United States District Court for the Western District of Kentucky
DECIDED	June 23, 2026
DOCKET	3:24-CV-00078-CRS-CHL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 and objected to a magistrate judge's recommendation that the petition be denied. The district court overruled the objections, adopted the report and recommendation, denied the petition, and denied a certificate of appealability.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's report and recommendation to which a specific objection is made. Under 28 U.S.C. § 2254(d)(1), habeas relief is available only when the state court decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court. General or nonspecific objections do not trigger de novo review.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum opinion and order

PARTIES

Jerard Garrett v. Laura Plappert, Warden

TOPICS

federal habeas corpus

post-conviction relief

procedural due process

ineffective assistance

evidence

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Garrett's objections to the magistrate judge's report and recommendation were sufficiently specific to require de novo review.
2. Whether Garrett's challenges to state-court evidentiary rulings established a violation of clearly established federal law under 28 U.S.C. § 2254(d)(1).
3. Whether Garrett's newly raised due-process theory could be considered for the first time in objections to the report and recommendation.
4. Whether Garrett's witness-identification and prosecutorial-misconduct claims were procedurally defaulted.
5. Whether Garrett was entitled to a certificate of appealability.

HOLDINGS

1. Objections that merely repeat arguments previously presented or disagree with the magistrate judge's recommendation without identifying a specific factual or legal error do not trigger de novo review.
2. A petitioner may not raise a new legal argument for the first time in objections to a magistrate judge's report and recommendation.
3. A habeas petitioner challenging a state-court evidentiary ruling cannot satisfy § 2254(d)(1) without identifying a Supreme Court case establishing a due-process right concerning the specific type of evidence at issue.
4. A certificate of appealability must be denied when reasonable jurists would not debate the district court's resolution of the constitutional claims or its procedural rulings.

FACTUAL BACKGROUND

Garrett was convicted after a 2016 Kentucky trial of murder, first-degree robbery, first-degree wanton endangerment, and third-degree terroristic threatening. He received a sentence of life imprisonment without parole for twenty-five years. His federal petition challenged evidentiary rulings, witness identifications, alleged prosecutorial misconduct, cumulative error, and ineffective assistance of trial and post-conviction counsel.

PROCEDURAL HISTORY

Garrett was convicted in Kentucky state court after a 2016 trial, and the Kentucky Supreme Court affirmed his conviction on direct appeal. The Jefferson Circuit Court denied his Kentucky Rule of Criminal Procedure 11.42 motion, and the Kentucky Court of Appeals affirmed. Garrett then filed this § 2254 petition, which Magistrate Judge Colin H. Lindsay recommended denying; the district court adopted that recommendation after reviewing Garrett's objections.

DISPOSITION

dismissed

CASES CITED

- Garrett v. Commonwealth, 534 S.W. 3d 217 (Ky. 2017)
- Garrett v. Commonwealth, No. 2022-CA-0410-MR, 2023 WL 7931125 (Ky. App. Nov. 17, 2023)
- Sheppard v. Bagley, 657 F.3d 338, 348 (6th Cir. 2011)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Spencer v. Bouchard, 449 F.3d 721, 725 (6th Cir. 2006)
- Aldrich v. Bock, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004)
- Murr v. United States, 200 F.3d 895, 902-03 (6th Cir. 2000)
- Ward v. United States, 208 F.3d 216 (6th Cir. 2000)
- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)
- Stewart v. Winn, 967 F.3d 534, 538 (6th Cir. 2020)
- Moreland v. Bradshaw, 699 F.3d 908, 923 (6th Cir. 2012)
- Lopez v. Smith, 574 U.S. 1, 6 (2014)
- Slack v. McDaniel, 529 U.S. 473, 483-84 (2000)
- Buck v. Davis, 580 U.S. 100, 122 (2017)