

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Maxwell Navarre Lee v. Michael Shewmaker

Lee v. Shewmaker · No. 4:26-cv-00257-RHH · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri orders habeas petitioner Maxwell Navarre Lee to show cause why his 28 U.S.C. § 2254 petition should not be dismissed as untimely. The court concludes that Lee’s state conviction became final in July 2015 and that the federal one-year limitations period expired in July 2016, before he filed his state post-conviction motion in 2022. The court grants Lee 21 days to respond and warns that failure to comply will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 5, 2026
DOCKET	4:26-cv-00257-RHH
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se application for a writ of habeas corpus under 28 U.S.C. § 2254. The district court preliminarily determined that the petition appeared untimely and ordered Petitioner to show cause why the action should not be dismissed.
STANDARD OF REVIEW	Not expressly stated. The court applied the statutory timeliness provisions governing federal habeas petitions and the notice requirement for sua sponte dismissal of a time-barred petition.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order
PARTIES	Maxwell Navarre Lee v. Michael Shewmaker

TOPICS

federal habeas corpus

statute of limitations

state post-conviction relief

post-conviction relief

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition appeared barred by the federal one-year statute of limitations under 28 U.S.C. § 2244(d).
2. Whether Lee's state post-conviction proceedings tolled the federal limitations period.
3. Whether the court was required to notify Lee and give him an opportunity to respond before sua sponte dismissing the petition as time-barred.

HOLDINGS

1. Because Lee did not appeal his 2015 state conviction, the judgment became final when the time for seeking direct review expired, and the federal limitations period expired on July 5, 2016. The petition filed in February 2026 therefore appeared untimely.
2. Lee's state post-conviction motion could not toll the federal limitations period because it was filed in February 2022, after the federal limitations period had already expired in July 2016.
3. Before dismissing a habeas petition sua sponte as time-barred, the district court must give the petitioner notice and an opportunity to respond.

KEY QUOTATIONS

“IT IS HEREBY ORDERED that Petitioner shall show cause, in writing and no later than 21 days from the date of this Order, why this action should not be dismissed as time-barred.”

FACTUAL BACKGROUND

On June 26, 2015, Maxwell Lee pleaded guilty in Missouri state court to two counts of second-degree felony murder and received two concurrent life sentences. He did not pursue a direct appeal. He filed a state post-conviction motion on February 28, 2022, after the federal one-year limitations period had apparently expired, and later filed his § 2254 petition on February 3, 2026.

PROCEDURAL HISTORY

Petitioner pleaded guilty in Missouri state court in 2015 to two counts of second-degree felony murder and received concurrent life sentences. He did not appeal. He filed a Missouri Rule 24.035 post-conviction motion in 2022; the state trial court denied relief after an evidentiary hearing, and the Missouri Court of Appeals affirmed in 2025. Petitioner filed the federal § 2254 petition on February 3, 2026. The district court issued an order to show cause rather than dismissing the petition immediately.

DISPOSITION

other

CASES CITED

- State v. Lee, No. 15SF-CR00456-01 (24th Jud. Cir. 2015)
- Lee v. State, No. 22SF-CC00033 (24th Jud. Cir. 2024)
- Lee v. State, No. ED113140 (Mo. Ct. App. 2025)
- Camacho v. Hobbs, 774 F.3d 931, 934-35 (8th Cir. 2015)
- Day v. McDonough, 547 U.S. 198, 209 (2006)

OPINION

Shewmaker

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

MAXWELL NAVARRE LEE,)

) Petitioner,)) v.) No. 4:26-cv-00257-RHH)

MICHAEL SHEWMAKER,)

) Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on self-represented Petitioner Maxwell Lee's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The petition appears to be barred by § 2254's one-year limitations period, and the Court will order Petitioner to show cause why his action should not be dismissed. On June 26, 2015, Petitioner entered a guilty plea in St. Francois County Court to two counts of second-degree felony murder. State v. Lee, No. 15SF-CR00456-01 (24th Jud. Cir. 2015). The trial court sentenced Petitioner to two concurrent terms of life imprisonment in the Missouri Department of Corrections. Petitioner did not appeal his conviction or sentence. On February 28, 2022, Petitioner filed a motion to vacate, set aside, or correct judgment under Missouri Supreme Court Rule 24.035 in the St. Francois County Circuit Court. See Lee v. State, No. 22SF-CC00033 (24th Jud. Cir. 2024). After an evidentiary hearing, the state court denied Petitioner's post-conviction motion on November 7, 2024. Id. Petitioner appealed, and the Missouri Court of Appeals affirmed the trial court on August 12, 2025. Lee v. State, No. ED113140 (Mo. Ct. App. 2025). Petitioner filed his § 2254 petition by placing the petition in the mail at South Central Correctional Center in Licking, Missouri, on February 3, 2026. Under 28 U.S.C. § 2244(d):

(1) A 1-year period of limitation shall apply to an application for a writ of habeas

corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of— (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection. Because Petitioner failed to appeal his 2015 conviction, his sentence became final on July 6, 2015. See Mo. Sup. Ct. R. 81.04(a) (a party may appeal from a judgment by filing a notice of appeal not later than ten (10) days after the judgment becomes final); see also *Camacho v. Hobbs*, 774 F.3d 931, 934-35 (8th Cir. 2015) (stating that when a petitioner foregoes state appeals, the court must look to state-court filing deadlines to determine the expiration of the time for seeking direct review). Thus, Petitioner's filing deadline for his federal court habeas expired one year from that date, on July 5, 2016.¹ Based on the foregoing, the Court will order Petitioner to show cause why his petition should not be dismissed as time-barred. See *Day v. McDonough*, 547 U.S. 198, 209 (2006) (district court must give notice to petitioner before sua sponte dismissing petition as time-barred). Accordingly, Petitioner's post-conviction proceedings in state court could not toll his statute of limitations as his motion to vacate was filed after the statute of limitations had already run, in February of 2022. IT IS HEREBY ORDERED that Petitioner shall show cause, in writing and no later than 21 days from the date of this Order, why this action should not be dismissed as time-barred. IT IS FURTHER ORDERED that if Petitioner fails to comply with this Order, this action will be dismissed without prejudice and without further notice to Petitioner. Dated this Sth day of March, 2026. bos A

UNITED STATES MAGISTRATE JUDGE