

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Shawn F. Shaw v. Brian Eller, Warden

No. 1:25-cv-01252-JDB-jay (W.D. Tenn. June 15, 2026) · No. 1:25-cv-01252-JDB-jay · Decided June 16, 2026

SUMMARY

The United States District Court for the Western District of Tennessee dismissed Shawn F. Shaw’s 28 U.S.C. § 2254 habeas petition without prejudice because he had not exhausted his claims in state court. The court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal, certifying that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	June 16, 2026
DOCKET	1:25-cv-01252-JDB-jay
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus petition under 28 U.S.C. § 2254 dismissed without prejudice for failure to exhaust state-court remedies; certificate of appealability denied and leave to proceed in forma pauperis on appeal denied.
STANDARD OF REVIEW	A federal court may not adjudicate a § 2254 petition until available state remedies have been exhausted. Each claim must have been fairly presented to the state courts, and the petitioner bears the burden of proving exhaustion. A COA following a procedural dismissal requires a showing that reasonable jurists could debate both the validity of a constitutional claim and the correctness of the procedural ruling.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Shawn F. Shaw v. Brian Eller, Warden

TOPICS

federal habeas corpus

post-conviction relief

successive petitions

double jeopardy

appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Shaw's § 2254 claims were exhausted in the Tennessee courts.
2. Whether the federal habeas petition should be dismissed without prejudice for failure to exhaust state-court remedies.
3. Whether Shaw was entitled to a certificate of appealability after the procedural dismissal.
4. Whether Shaw should be permitted to proceed in forma pauperis on appeal.

HOLDINGS

1. Shaw failed to exhaust his state-court remedies because he did not fairly present the claims asserted in his federal petition to the Tennessee Court of Criminal Appeals.
2. The § 2254 petition was dismissed without prejudice to Shaw's right to file a new petition after exhausting his claims in state court.
3. A certificate of appealability was denied because reasonable jurists would not debate the correctness of the dismissal for failure to exhaust.
4. Leave to proceed in forma pauperis on appeal was denied, and the court certified that an appeal would not be taken in good faith.

KEY QUOTATIONS

“For the reasons set forth above, the Petition is DISMISSED WITHOUT PREJUDICE to Shaw’s right to file a new § 2254 petition after he exhausts his claims in state court.” (at 3)

“To be properly exhausted, each claim must have been ‘fairly presented’ to the state courts.” (at 3)

“Because granting a stay effectively excuses a petitioner’s failure to present his claims first to the state courts [before filing his federal habeas petition], stay and abeyance is only appropriate when the district court determines there was good cause for the petitioner’s failure to exhaust his claims first in state court.” (at 3)

FACTUAL BACKGROUND

Shaw was convicted in Tennessee of first-degree premeditated murder, first-degree felony murder, especially aggravated kidnapping, and aggravated assault. On direct appeal, he challenged the kidnapping and aggravated-assault convictions on double-jeopardy grounds, but the Tennessee Court of Criminal Appeals did not address a double-jeopardy challenge to the two first-degree murder convictions or the merger of those convictions. The state appellate court affirmed the judgments while directing the trial court to correct the judgment forms, including by entering an amended form reflecting that count 2 merged into count 1. Shaw filed a federal habeas

petition before appealing the amended judgment or presenting his federal claims through state post-conviction proceedings.

PROCEDURAL HISTORY

Shaw filed a pro se § 2254 petition asserting that the Tennessee courts improperly merged murder convictions and that he was convicted twice under Tennessee Code Annotated § 39-13-202. He admitted that he had not presented the habeas claims in a state post-conviction application and had not raised two of them on direct appeal. After ordering Shaw to show cause why the petition should not be dismissed for failure to exhaust, the district court concluded that the claims had not been fairly presented to the Tennessee Court of Criminal Appeals and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- State v. Shaw, 715 S.W.3d 340, 343 (Tenn. Crim. App. 2024)
- Rose v. Lundy, 455 U.S. 509, 518-19 (1982)
- Adams v. Holland, 330 F.3d 398, 402 (6th Cir. 2003)
- Wagner v. Smith, 581 F.3d 410, 414 (6th Cir. 2009)
- Rust v. Zent, 17 F.3d 155, 160 (6th Cir. 1994)
- Rhines v. Weber, 554 U.S. 269, 277 (2005)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997)