

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

Mark A. Jones v. Michael Shewmaker

Jones v. Shewmaker, No. 4:25-cv-00509-SRW (E.D. Mo. Jan. 6, 2026) · No. 4:25-cv-00509-SRW · Decided
January 6, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied and dismissed Mark A. Jones’s 28 U.S.C. § 2254 habeas petition as time-barred under AEDPA. The court rejected Jones’s arguments for statutory and equitable tolling, including diligence, newly discovered evidence, disabilities, and lack of legal assistance. The court also denied reconsideration of appointed counsel and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Cristian M. Stevens
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	January 6, 2026
DOCKET	4:25-cv-00509-SRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner petitioned for federal habeas relief under 28 U.S.C. § 2254. The court ordered him to show cause why the petition should not be dismissed as time-barred, denied his motion to avoid dismissal and for reconsideration of appointed counsel, denied and dismissed the habeas petition as untimely, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	The court applied the AEDPA one-year statute of limitations, statutory tolling under 28 U.S.C. § 2244(d)(2), and equitable tolling standards. It also applied the substantial-showing standard for a certificate of appealability under 28 U.S.C. § 2253(c).
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status unknown and generally nonprecedential.

PARTIES

Mark A. Jones v. Michael Shewmaker

TOPICS

federal habeas corpus

statute of limitations

post-conviction relief

actual innocence

motion for reconsideration

PRACTICE AREAS

federal habeas corpus

post-conviction relief

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criminal procedure

QUESTIONS PRESENTED

1. Whether Jones's 28 U.S.C. § 2254 petition was barred by AEDPA's one-year statute of limitations.
2. Whether state habeas and other collateral proceedings tolled the AEDPA limitations period under 28 U.S.C. § 2244(d)(2).
3. Whether Jones established entitlement to equitable tolling based on diligence and extraordinary circumstances, including alleged attorney misconduct, newly discovered evidence, disabilities, and lack of assistance with legal filings.
4. Whether Jones was entitled to reconsideration of appointed counsel.
5. Whether Jones was entitled to a certificate of appealability.

HOLDINGS

1. The petition was untimely because Jones's one-year AEDPA limitations period began when the time for seeking direct review expired in approximately August 2010, but he did not file the federal petition until March 2025.
2. Jones's state habeas and post-conviction proceedings did not save the federal petition because they were initiated after the AEDPA limitations period had already expired.
3. Jones was not entitled to equitable tolling because he failed to show that he diligently pursued his rights or that an extraordinary circumstance prevented timely filing.
4. The motion for reconsideration of appointment of counsel was denied because the case was being dismissed as time-barred.
5. No certificate of appealability should issue because Jones failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“equitable tolling “affords the otherwise time-barred petitioner an exceedingly narrow window of relief.””
(at 5)

“that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right.” (at 9)

FACTUAL BACKGROUND

Jones pleaded guilty to two counts of forcible sodomy and one count of forcible rape in Missouri in August 2010 and received a total concurrent sentence of 25 years. He did not file a direct appeal, asserting that his attorney falsely told him an appeal had been filed. Although he pursued state post-conviction and habeas remedies at various times, including proceedings in 2013, 2016, and 2022 through 2024, he did not file the federal petition until March 2025. The petition asserted ineffective assistance of counsel, prosecutorial misconduct and conflict of interest, and entitlement to resentencing based on an expunged marijuana offense.

PROCEDURAL HISTORY

Jones pleaded guilty in Missouri state court in August 2010 and received a 25-year concurrent sentence. He did not file a direct appeal. He pursued various state habeas and post-conviction remedies beginning in 2013 and continuing through 2024, but his federal § 2254 petition was not placed in the prison mailing system until March 21, 2025. After issuing a show-cause order regarding timeliness, the district court concluded that the AEDPA limitations period had expired years earlier and that neither statutory nor equitable tolling applied.

DISPOSITION

dismissed

CASES CITED

- State v. Jones, No. 1011-CR01330-01 (11th Jud. Cir. 2010)
- State v. Jones, No. 0911-CR03208 (11th Jud. Cir. 2009)
- Jones v. Buckner, No. 22TE-CC00347 (25th Jud. Cir. 2022)
- Jones v. Buckner, No. SD38156 (Mo. Ct. App. 2023)
- Jones v. Buckner, No. SD38316 (Mo. Ct. App. 2023)
- Jones v. Buckner, No. SC100708 (Mo. 2024)
- Finch v. Miller, 491 F.3d 424, 426 (8th Cir. 2007)
- Gonzalez v. Thaler, 565 U.S. 134, 150 (2012)
- Camacho v. Hobbs, 774 F.3d 931, 934-35 (8th Cir. 2015)
- Maghee v. Ault, 410 F.3d 473, 475 (8th Cir. 2005)
- Wall v. Kholi, 562 U.S. 545, 552 (2011)
- Holland v. Florida, 560 U.S. 631, 649 (2010)
- Muhammad v. U.S., 735 F.3d 812, 815 (8th Cir. 2013)
- Jihad v. Hvass, 267 F.3d 803, 805 (8th Cir. 2001)
- Chachanko v. United States, 935 F.3d 627, 630 (8th Cir. 2019)
- Wiles v. Capitol Indem. Corp., 280 F.3d 868, 870 (8th Cir. 2002)
- Kreutzer v. Bowersox, 231 F.3d 460, 463 (8th Cir. 2000)
- Khaimov v. Crist, 297 F.3d 783, 785 (8th Cir. 2002)

