

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

James Thomas Smith v. Eric Armel, et al.

Smith v. Armel · No. 2:22-cv-00973 · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s Report and Recommendation and dismissed James Thomas Smith’s habeas petition. The court held that Smith’s pro se filing while represented by counsel was a legal nullity and that his unexhausted ineffective-assistance claim concerning initial PCRA counsel could not establish cause to excuse procedural default under *Martinez v. Ryan*.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Cathy Bissoon; Patricia L. Dodge
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 31, 2026
DOCKET	2:22-cv-00973
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petitioner objected to a magistrate judge's report and recommendation recommending dismissal of the petition, denial of each claim, and denial of a certificate of appealability. The district court conducted de novo review, adopted and supplemented the report and recommendation, granted respondents' motion to dismiss, dismissed the petition, and denied a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge's report and recommendation and the petitioner's objections.
PRECEDENTIAL VALUE	unpublished district court memorandum order
PARTIES	James Thomas Smith v. Eric Armel, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- default
- motions to dismiss
- appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether Smith's pro se motion filed in the Pennsylvania Superior Court while he was represented by counsel exhausted his claims or avoided procedural default.
2. Whether alleged ineffective assistance by initial PCRA counsel could serve as cause to excuse procedural default when that ineffectiveness claim was never properly exhausted in state court.
3. Whether alleged ineffective assistance by appellate PCRA counsel could excuse the procedural default under *Martinez v. Ryan*.
4. Whether the magistrate judge's report and recommendation should be adopted and the habeas petition dismissed.

HOLDINGS

1. A pro se filing submitted by a state-court litigant who is represented by counsel is a legal nullity under Pennsylvania law and cannot present the merits of an issue or avoid federal habeas procedural default.
2. An ineffective-assistance claim asserted as cause for the procedural default of another claim is itself procedurally defaulted when it was not exhausted in state court, and such a default cannot excuse the underlying default.
3. *Martinez v. Ryan* does not excuse the procedural default at issue because the alleged ineffective assistance by initial PCRA counsel was itself unexhausted, and *Martinez* does not extend to attorney errors in appeals from initial-review collateral proceedings.
4. The report and recommendation was adopted as supplemented, respondents' motion to dismiss was granted, Smith's petition was dismissed, and a certificate of appealability was denied.

KEY QUOTATIONS

"In short, Petitioner's referenced pro se motion cannot avoid procedural default."

"Procedural default due to not placing initial PCRA counsel's purported ineffectiveness before the Superior Court cannot be excused by Petitioner blaming his appellate PCRA counsel for not raising that issue."

FACTUAL BACKGROUND

Smith sought federal habeas relief from a state-court judgment and asserted, among other matters, that he had exhausted claims by filing a pro se motion in the Pennsylvania Superior Court while represented by counsel. The Superior Court treated that hybrid filing as improper and declined to consider its merits. Smith also asserted that ineffective assistance by initial post-conviction counsel should excuse procedural default of claims concerning trial counsel, but that claim was withdrawn in his Superior Court brief and was never presented to a Pennsylvania court.

PROCEDURAL HISTORY

The case was referred to Magistrate Judge Patricia L. Dodge under 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule of Civil Procedure 72. The magistrate judge recommended granting respondents' motion to dismiss and denying the habeas claims and a certificate of appealability. Smith timely objected, but the district court found the magistrate judge's reasoning thorough and sound, adopted the report and recommendation as supplemented, dismissed the petition, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Commonwealth v. Smith, 283 A.3d 382, 382 (Pa. Super. 2022)
- Commonwealth v. Williams, 151 A.3d 621, 623 (Pa. Super. 2016)
- Shinn v. Ramirez, 596 U.S. 366, 378 (2022)
- Martinez v. Ryan, 566 U.S. 1, 16 (2012)
- Edwards v. Carpenter, 529 U.S. 446, 453 (2000)
- Commonwealth v. Bradley, 261 A.3d 381, 401 (Pa. 2021)
- Coleman v. Thompson, 501 U.S. 722, 755 (1991)
- O'Sullivan v. Boerckel, 526 U.S. 838, 848 (1999)