

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, CHARLESTON DIVISION

**Marquis Spencer McDonald v. Kenneth Sharp, Warden of Turbeville
Correctional Institution**

McDonald v. Sharp, No. 2:24-06196-MGL (D.S.C. Mar. 10, 2026) · No. 2:24-06196-MGL · Decided March 10,
2026

SUMMARY

The United States District Court for the District of South Carolina adopted the magistrate judge’s report and recommendation in a 28 U.S.C. § 2254 habeas action. The court held that Marquis Spencer McDonald’s petition was untimely, that equitable tolling and the actual-innocence gateway did not apply, and that his objections lacked merit. The court granted the respondent’s motion for summary judgment, dismissed the petition with prejudice, denied a certificate of appealability, and denied McDonald’s request for an evidentiary hearing.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	Mary Geiger Lewis
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	March 10, 2026
DOCKET	2:24-06196-MGL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus proceeding under 28 U.S.C. § 2254; the district court conducted de novo review of specific objections to a magistrate judge's report and recommendation, granted respondent's motion for summary judgment, dismissed the petition with prejudice, and denied a certificate of appealability.
STANDARD OF REVIEW	The district court conducted de novo review of portions of the report and recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1). It reviewed the summary-judgment motion under the applicable federal standard, although the order does not separately articulate that standard.

PRECEDENTIAL VALUE	unpublished
PARTIES	Marquis Spencer McDonald v. Kenneth Sharp, Warden of Turbeville Correctional Institution

TOPICS

federal habeas corpus statute of limitations actual innocence summary judgment standard of review

PRACTICE AREAS

federal habeas corpus post-conviction relief civil procedure appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether McDonald's § 2254 petition was untimely under AEDPA's one-year statute of limitations.
2. Whether McDonald established extraordinary circumstances and due diligence sufficient to warrant equitable tolling.
3. Whether an untimely petition could proceed through the Schlup/McQuiggin actual-innocence gateway based on the asserted new scientific and ballistics evidence.
4. Whether McDonald was entitled to an evidentiary hearing on his equitable-tolling and actual-innocence claims.
5. Whether respondent was entitled to summary judgment and dismissal of the petition with prejudice.

HOLDINGS

1. McDonald's federal habeas petition was filed after AEDPA's one-year statute of limitations had expired and was therefore untimely.
2. McDonald was not entitled to equitable tolling because he failed to establish extraordinary circumstances and failed to show that he exercised due diligence in preserving his legal rights before the limitations period expired.
3. McDonald's untimely state post-conviction petition did not toll AEDPA's limitations period because an untimely post-conviction petition is not properly filed for purposes of 28 U.S.C. § 2244(d)(2).
4. McDonald failed to satisfy the Schlup/McQuiggin actual-innocence gateway because he did not show, in light of new reliable evidence, that no reasonable juror would have found him guilty beyond a reasonable doubt.
5. McDonald was not entitled to an evidentiary hearing on his equitable-tolling and actual-innocence claims.

KEY QUOTATIONS

“The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions.” (at 1)

“When a postconviction petition is untimely under state law, that is the end of the matter for purposes of § 2244(d)(2).” (at 3)

“It is therefore the judgment of the Court Sharp’s motion for summary judgment is GRANTED, the petition is DISMISSED WITH PREJUDICE, and any request for a certificate of appealability is DENIED.” (at 4)

FACTUAL BACKGROUND

McDonald filed his federal habeas petition after the one-year limitations period under the Antiterrorism and Effective Death Penalty Act had expired. He argued that equitable tolling should apply because appellate counsel allegedly failed to inform him that his direct appeal had concluded, and he relied on alleged diligence after the deadline rather than evidence of diligence before it expired. He also invoked the actual-innocence gateway based on purported new scientific and ballistics evidence, including evidence concerning bullet trajectory and a codefendant's connection to another crime.

PROCEDURAL HISTORY

McDonald filed a § 2254 petition challenging his state-court judgment. A magistrate judge recommended granting summary judgment for Sharp and dismissing the petition as untimely. McDonald objected, asserting equitable tolling and an actual-innocence gateway based on purported new scientific and ballistics evidence. After de novo review, the district court adopted the report and recommendation to the extent consistent with its order, granted summary judgment, dismissed the petition with prejudice, denied a certificate of appealability, and denied McDonald's request for an evidentiary hearing.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270 (1976)
- Irwin v. Dep't of Veterans Affairs, 498 U.S. 89, 96 (1990)
- United States v. Arrowgarp, No. 13-4154, 558 Fed. Appx. 824, 825 (10th Cir. Mar. 18, 2014)
- Keeling v. Warden, Lebanon Correctional Inst., 673 F.3d 452, 463 (6th Cir. 2012)
- LaCava v. Kyler, 398 F.3d 271, 276 (3d Cir. 2005)
- Pace v. DiGuglielmo, 544 U.S. 408, 414 (2005)
- McQuiggin v. Perkins, 569 U.S. 383, 386 (2013)
- Schlup v. Delo, 513 U.S. 298, 316, 324, 327, 329 (1995)