

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Michael Stephon Parker v. Chadwick Dotson

Parker v. Dotson · No. 3:24CV918 (RCY) · Decided December 2, 2025

SUMMARY

The United States District Court for the Eastern District of Virginia denies Michael Stephon Parker’s 28 U.S.C. § 2254 petition challenging the calculation of his pretrial jail credits. The court holds that Parker’s claims were procedurally defaulted because he failed to appeal the state circuit court’s denial to the Supreme Court of Virginia and failed to establish cause and prejudice excusing the default.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	December 2, 2025
DOCKET	3:24CV918 (RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A Virginia state prisoner petitioned for federal habeas relief under 28 U.S.C. § 2254, challenging the Virginia Department of Corrections' calculation of 222 days of pretrial jail credit. The respondent moved to dismiss based on exhaustion and procedural default, and the court granted the motion.
STANDARD OF REVIEW	Federal habeas review requires exhaustion of available state remedies and fair presentation of federal claims to the state courts. A claim is procedurally defaulted when a state court clearly and expressly relies on an independent and adequate state procedural rule, or when unexhausted claims would now be procedurally barred in state court. A default may be excused upon a showing of cause and actual prejudice or a fundamental miscarriage of justice.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

PARTIES

Michael Stephon Parker v. Chadwick Dotson

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

due process

equal protection

PRACTICE AREAS

federal habeas corpus

post-conviction relief

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QUESTIONS PRESENTED

1. Whether Parker exhausted his federal constitutional claims by fairly presenting them to the Supreme Court of Virginia.
2. Whether Parker's claims were procedurally defaulted because he failed to appeal the Circuit Court's denial of his state habeas petition and any later appeal would be untimely.
3. Whether Parker demonstrated cause and actual prejudice or a fundamental miscarriage of justice sufficient to excuse the procedural default.
4. Whether the federal habeas petition should be dismissed and a certificate of appealability denied.

HOLDINGS

1. Parker failed to exhaust his federal claims because he did not appeal the Circuit Court's denial of his state habeas petition to the Supreme Court of Virginia, and his subsequent petition in that court was dismissed under a rule that did not permit merits review.
2. Parker's federal habeas claims were procedurally defaulted and barred from federal review.
3. Parker failed to establish cause and actual prejudice, or a fundamental miscarriage of justice, sufficient to excuse his procedural default.
4. A certificate of appealability was denied because Parker failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“To provide the State with the necessary ‘opportunity,’ the prisoner must ‘fairly present’ his claim in each appropriate state court (including a state supreme court with powers of discretionary review), thereby alerting that court to the federal nature of the claim.”

“A federal habeas petitioner also procedurally defaults claims when the “petitioner fails to exhaust available state remedies and ‘the court to which the petitioner would be required to present his claims in order to meet the exhaustion requirement would now find the claims procedurally barred.’”

FACTUAL BACKGROUND

Parker was convicted of breaking and entering and larceny offenses in Virginia and received an active five-year sentence. He contended that the Virginia Department of Corrections failed to credit him with 222 days of pretrial

confinement, allegedly incurred between January 12 and August 19, 2022. He asserted violations of the Fifth, Sixth, and Fourteenth Amendments, including due process, double jeopardy, and equal protection.

PROCEDURAL HISTORY

Parker was convicted and sentenced in the Circuit Court for the City of Hampton, Virginia, on June 23, 2022. He filed a state mandamus petition and a state habeas petition in that court; both were denied on April 8, 2024. Rather than appealing the circuit court's decision, Parker filed a habeas petition in the Supreme Court of Virginia, which dismissed it under Va. Code Ann. § 8.01-663 because the claims had already been resolved. Parker then filed this federal § 2254 petition on December 31, 2024.

DISPOSITION

dismissed

CASES CITED

- Slavek v. Hinkle, 359 F. Supp. 2d 473, 479 (E.D. Va. 2005)
- Preiser v. Rodriguez, 411 U.S. 475, 491–92 & n.10 (1973)
- Picard v. Connor, 404 U.S. 270, 275 (1971)
- O'Sullivan v. Boerckel, 526 U.S. 838, 844–48 (1999)
- Baldwin v. Reese, 541 U.S. 27, 29 (2004)
- Duncan v. Henry, 513 U.S. 364, 365–66 (1995)
- Longworth v. Ozmint, 377 F.3d 437, 448 (4th Cir. 2004)
- Baker v. Corcoran, 220 F.3d 276, 289 (4th Cir. 2000)
- Mallory v. Smith, 27 F.3d 991, 994–95 (4th Cir. 1994)
- Breard v. Pruett, 134 F.3d 615, 619 (4th Cir. 1998)
- Coleman v. Thompson, 501 U.S. 722, 731–32, 735 n. 1, 750 (1991)
- Jones v. Sussex I State Prison, 591 F.3d 707, 716 (4th Cir. 2010)
- Harris v. Reed, 489 U.S. 255, 262 (1989)
- Hedrick v. True, 443 F.3d 342, 364 (4th Cir. 2006)
- Gray v. Netherland, 518 U.S. 152, 161–62 (1996)
- Whitley v. Bair, 802 F.2d 1487, 1502 (4th Cir. 1986)
- Wise v. Williams, 982 F.2d 142, 144 (4th Cir. 1992)
- Star v. Winstead, No. 1:23-cv-1641-MSN-JFA, 2024 WL 4008649, at *6 (E.D. Va. Aug. 30, 2024)
- Drayton v. Dir. of Va. Dep't of Corr., No. 1:24cv795 (PTG/IDD), 2025 WL 2524124, at *10 (E.D. Va. Sept. 2, 2025)
- Murray v. Carrier, 477 U.S. 478, 488 (1986)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Barefoot v. Estelle, 463 U.S. 880, 893 n. 4 (1983)

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