

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Samples v. State of Utah

No. 2:25-CV-740-RJS (D. Utah May 26, 2026) · No. 2:25-CV-740-RJS · Decided May 26, 2026

SUMMARY

The United States District Court for the District of Utah addresses Brandon M. Samples’s habeas petition challenging his Utah state-court sentences under 28 U.S.C. § 2241. The court construes the petition as arising under 28 U.S.C. § 2254, concludes that it is an unauthorized second or successive petition, and determines that transfer to the Tenth Circuit is not in the interest of justice. The court orders the petitioner to show cause within thirty days why the petition and a certificate of appealability should not be denied.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Robert J. Shelby
JURISDICTION	United States District Court for the District of Utah
DECIDED	May 26, 2026
DOCKET	2:25-CV-740-RJS
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a second federal habeas action challenging the validity of his state-court sentences, labeling the petition as arising under 28 U.S.C. § 2241. The district court construed the petition as arising under 28 U.S.C. § 2254, determined that it was unauthorized and successive, declined to transfer it to the Tenth Circuit, and ordered Petitioner to show cause why the petition and a certificate of appealability should not be denied.
STANDARD OF REVIEW	The court applied the screening standard under Rule 4 governing § 2254 cases, under which a petition may be summarily dismissed when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. It also applied the jurisdictional and authorization requirements for second-or-successive habeas applications under 28 U.S.C. § 2244(b).
PRECEDENTIAL VALUE	unpublished
PARTIES	Brandon M. Samples v. State of Utah

TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

appellate procedure

due process

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether a petition labeled under 28 U.S.C. § 2241 that challenges the validity of a state-court conviction and sentence should be construed as a petition under 28 U.S.C. § 2254.
2. Whether the current petition is a second or successive habeas application subject to the authorization requirement of 28 U.S.C. § 2244(b)(3)(A).
3. Whether the district court should transfer the unauthorized successive petition to the Tenth Circuit under 28 U.S.C. § 1631.
4. Whether Petitioner should receive a certificate of appealability.

HOLDINGS

1. A habeas petition challenging the validity of a state-court conviction or sentence is governed by 28 U.S.C. § 2254, even when the petitioner labels the pleading as arising under § 2241.
2. A habeas petition attacking the same state-court criminal judgment challenged in a prior unsuccessful federal habeas petition is a second or successive § 2254 application, and the district court lacks jurisdiction to consider it absent prior authorization from the appropriate court of appeals.
3. When an unauthorized successive habeas petition does not satisfy the statutory authorization criteria and there is no apparent risk that a meritorious claim will be lost, transfer to the court of appeals is not in the interest of justice.
4. Petitioner is not entitled to a certificate of appealability because he has not shown that reasonable jurists could debate whether the petition states a valid constitutional claim or whether the court's procedural ruling is correct.

KEY QUOTATIONS

“The court lacks jurisdiction over issues presented in a second or successive habeas application without prior authorization from Tenth Circuit Court of Appeals.” (Section II.B)

“Here, transferring this case to the Tenth Circuit is not in the interest of justice.” (Section II.C)

FACTUAL BACKGROUND

On June 30, 2020, the Utah Seventh District Court imposed consecutive sentences for first-degree-felony murder, three convictions for second-degree-felony obstruction of justice, and third-degree-felony abuse or desecration of a dead human body. Petitioner unsuccessfully appealed his sentence. After a prior § 2254 petition

challenging the convictions was denied as procedurally defaulted, Petitioner filed this action challenging the validity of the same sentences and asserting due-process, equal-protection, jurisdictional, and nullity theories.

PROCEDURAL HISTORY

The Utah state district court imposed consecutive sentences on Petitioner in 2020, and the Utah Court of Appeals affirmed; the Utah Supreme Court denied review. Petitioner previously filed a § 2254 petition in the District of Utah, which was denied as procedurally defaulted. He then filed this second federal habeas petition challenging the same criminal judgment. The district court concluded that the petition was a successive § 2254 application requiring prior Tenth Circuit authorization, found transfer not in the interest of justice, and issued an order to show cause rather than entering the final denial immediately.

DISPOSITION

other

CASES CITED

- State v. Samples, 521 P.3d 526 (Utah Ct. App. 2022)
- Samples v. Utah, No. 4:23-CV-72-AMA (D. Utah Sept. 25, 2023)
- McIntosh v. U.S. Parole Commission, 115 F.3d 809, 811-12 (10th Cir. 1997)
- Castro v. United States, 540 U.S. 375, 377 (2003)
- Gonzalez v. Crosby, 545 U.S. 524, 530-31 (2025)
- Whitmore v. Parker, 484 F. App'x 227, 232 (10th Cir. 2012)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- In re Cline, 531 F.3d 1249, 1252 (10th Cir. 2008)
- Trujillo v. Williams, 465 F.3d 1210, 1222-23 (10th Cir. 2006)
- Johnson v. Allbaugh, Johnson v. Allbaugh, 742 F. App'x 395, 396 n.2 (10th Cir. 2018)
- Slack v. McDaniel, 529 U.S. 473, 478 (2000)