

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

United States v. Paden

617 F.3d 833 · No. CR-22-35-RAW; CV-26-101-RAW · Decided June 3, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma dismissed Donald Lee Paden’s motion under 28 U.S.C. § 2255 as untimely. The court denied equitable tolling and appointment of counsel, granted the Government’s motion to dismiss, and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Ronald A. White
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	June 3, 2026
DOCKET	CR-22-35-RAW; CV-26-101-RAW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal prisoner proceeding pro se moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The Government moved to dismiss the motion as untimely. The court also considered Paden's motions for appointment of counsel and equitable tolling.
STANDARD OF REVIEW	The court applied the one-year statute of limitations in 28 U.S.C. § 2255(f), evaluated whether equitable tolling was warranted, applied the interests-of-justice standard to appointment of counsel under 18 U.S.C. § 3006A, and applied the two-part certificate-of-appealability standard for procedural dismissals under Slack v. McDaniel.
PRECEDENTIAL VALUE	Unknown
PARTIES	Donald Lee Paden v. United States of America

TOPICS

- federal habeas corpus
- post-conviction relief
- criminal procedure
- right to counsel

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

QUESTIONS PRESENTED

1. Whether Paden's § 2255 motion was timely under 28 U.S.C. § 2255(f).
2. Whether equitable tolling was warranted because Paden asserted a novel legal theory.
3. Whether Paden was entitled to appointment of counsel under 18 U.S.C. § 3006A.
4. Whether a certificate of appealability should issue after dismissal of the § 2255 motion on procedural grounds.

HOLDINGS

1. A § 2255 motion filed nearly fifteen months after expiration of the one-year period running from the finality of the conviction is untimely when none of the alternative triggering dates in § 2255(f)(2)-(4) applies.
2. A petitioner's assertion of a novel constitutional theory, without a new constitutional rule recognized by the Supreme Court and made retroactively applicable, does not establish cause sufficient to overcome the time bar.
3. Appointment of counsel was not warranted because the interests of justice did not require it, and there is no general right to counsel in collateral proceedings.
4. No certificate of appealability should issue because reasonable jurists could not debate the correctness of the procedural dismissal.

KEY QUOTATIONS

“There is no right to counsel in collateral proceedings.”

FACTUAL BACKGROUND

Paden pleaded guilty on November 15, 2022, to possession of certain material involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2). He was sentenced to 120 months' imprisonment on December 19, 2023, and judgment was entered in January 2024. He did not appeal and filed his § 2255 motion on April 6, 2026, asserting constitutional challenges to federal child-pornography statutes and their sentencing schemes.

PROCEDURAL HISTORY

Paden pleaded guilty to possessing material involving the sexual exploitation of a minor, was sentenced to 120 months' imprisonment, and did not appeal. Judgment was entered on January 2, 2024, and an amended judgment was entered on January 4, 2024. He filed his § 2255 motion on April 6, 2026. The district court dismissed the motion as time-barred, denied equitable tolling and appointment of counsel, granted the Government's motion to dismiss, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Prows, 448 F.3d 1223, 1227-28 (10th Cir. 2006)
- United States v. Prows, 448 F.3d 1223, 1229 (10th Cir. 2006)
- Cvijetinovic v. Eberlin, 617 F.3d 833, 837 (6th Cir. 2010)
- Carosiello v. Eppinger, 2023 WL 9955818 (N.D. Ohio Dec. 27, 2023)
- Reed, 468 U.S. at 17-20
- Benton v. Brewer, 942 F.3d 305 (6th Cir. 2019)
- Lafler v. Cooper, 566 U.S. 156 (2012)
- Blakely v. Washington, 542 U.S. 296 (2004)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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