

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Michael Gordon v. Heather Cofer

Gordon v. Cofer, No. 4:25-cv-01864-JMB (E.D. Mo. Feb. 13, 2026) · No. No. 4:25-cv-01864-JMB · Decided
February 13, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri orders habeas petitioner Michael Gordon to show cause why his petition under 28 U.S.C. § 2254 should not be dismissed as untimely under the statute’s one-year limitations period. The court explains that the petition was filed more than one year after the conclusion of state post-conviction review and warns that failure to respond will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	John M. Bodenhausen
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	February 13, 2026
DOCKET	No. 4:25-cv-01864-JMB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The court preliminarily determined that the petition appeared untimely under the one-year limitations period and ordered Petitioner to show cause why the action should not be dismissed.
STANDARD OF REVIEW	The court applied the statutory one-year limitation period for § 2254 petitions and considered whether the petition appeared time-barred on its face. Before dismissing sua sponte as untimely, the court was required to give Petitioner notice and an opportunity to respond.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum and order; preliminary show-cause order
PARTIES	Michael Gordon v. Heather Cofer

TOPICS

federal habeas corpus

statute of limitations

state post-conviction relief

pleadings

motions to dismiss

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Gordon's § 2254 petition appeared to be barred by the one-year statute of limitations in 28 U.S.C. § 2244(d).
2. Whether the court was required to notify Gordon and provide an opportunity to show cause before dismissing the petition sua sponte as time-barred.

HOLDINGS

1. The petition appeared to have been filed more than one year after the Missouri Court of Appeals affirmed the denial of Gordon's state post-conviction motion and therefore appeared time-barred under 28 U.S.C. § 2244(d).
2. Before sua sponte dismissing the petition as time-barred, the court must give the petitioner notice and an opportunity to respond.

KEY QUOTATIONS

“Accordingly, IT IS HEREBY ORDERED that Petitioner shall show cause, in writing and no later than 21 days from the date of this Order, why this action should not be dismissed as time-barred.” (at 3)

FACTUAL BACKGROUND

A St. Louis County jury found Michael Gordon guilty of first-degree murder and armed criminal action on October 23, 2017. He received life imprisonment without parole for murder and a consecutive life sentence for armed criminal action. His direct appeal and state post-conviction proceedings concluded when the Missouri Court of Appeals affirmed denial of post-conviction relief on July 11, 2024. Gordon filed his federal § 2254 petition on December 19, 2025.

PROCEDURAL HISTORY

A Missouri jury convicted Gordon of first-degree murder and armed criminal action, and the state trial court imposed consecutive life sentences. The Missouri Court of Appeals affirmed the judgment, and the Missouri Supreme Court denied transfer. Gordon later pursued state post-conviction relief; after an evidentiary hearing, the state court denied relief and the Missouri Court of Appeals affirmed. Gordon filed this federal § 2254 petition on December 19, 2025, and the district court issued a show-cause order concerning timeliness.

DISPOSITION

other

CASES CITED

- State v. Gordon, No. 15SL-CR03088-01 (21st Jud. Cir. 2017)
- State v. Gordon, No. ED106229 (Mo. Ct. App. 2019)
- State v. Gordon, No. SC98237 (Mo. 2020)
- Gordon v. State, No. 18SL-CC00324 (21st Jud. Cir. 2020)
- Gordon v. State, No. ED111851 (Mo. Ct. App. 2024)
- Day v. McDonough, 547 U.S. 198, 209 (2006)

OPINION

Gordon

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

MICHAEL GORDON,)

) Petitioner,)) v.) No. 4:25-cv-01864-JMB)

HEATHER COFER,)

) Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on self-represented Petitioner Michael Gordon's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. The petition appears to be barred by § 2254's one-year limitations period, and the Court will order Petitioner to show cause why the petition should not be dismissed. On October 23, 2017, a jury in St. Louis County found Petitioner guilty of murder in the first degree and armed criminal action. State v. Gordon, No. 15SL-CR03088-01 (21st Jud. Cir. 2017). On December 19, 2017, the trial court sentenced Petitioner to life imprisonment without parole for first-degree murder and to a consecutive life sentence for armed criminal action. On December 21, 2017, Petitioner filed a notice of appeal with the Missouri Court of Appeals, Eastern Division. The Missouri Court of Appeals affirmed Petitioner's judgment on October 15, 2019. State v. Gordon, No. ED106229 (Mo. Ct. App. 2019). Petitioner filed an application for transfer to the Missouri Supreme Court, which was denied on February 4, 2020. State v. Gordon, No. SC98237 (Mo. 2020). On January 29, 2018, Petitioner filed in the St. Louis County Circuit Court a motion to vacate, set aside, or correct judgment under Missouri Supreme Court Rule 29.15. The motion was deemed premature. Petitioner filed a timely amended post-conviction motion on May 6, 2020. Gordon v. State, No. 18SL-CC00324 (21st Jud. Cir. 2020). After an evidentiary hearing, the state court denied Petitioner's post-conviction motion on July 10, 2023. Petitioner appealed, and the Missouri Court of Appeals affirmed the trial court on July 11, 2024. Gordon v. State, No. ED111851 (Mo. Ct. App. 2024). Petitioner filed this § 2254 petition on December 19, 2025. Under 28 U.S.C. § 2244(d):

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of— (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection. The instant petition has been filed more than one year after the Missouri Court of Appeals affirmed the denial of Petitioner's state post-conviction motion. As a result, the Court will order Petitioner to show cause why the petition should not be dismissed as time-barred. See *Day v. McDonough*, 547 U.S. 198, 209 (2006) (district court must give notice to petitioner before sua sponte dismissing petition as time-barred). Accordingly, IT IS HEREBY ORDERED that Petitioner shall show cause, in writing and no later than 21 days from the date of this Order, why this action should not be dismissed as time-barred. IT IS FURTHER ORDERED that if Petitioner fails to comply with this Order, this action will be dismissed without prejudice and without further notice to Petitioner. Dated this 13th day of February 2026. /s/ John M. Bodenhausen

JOHN M. BODENHAUSEN

UNITED STATES MAGISTRATE JUDGE

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