

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

William W. Lumpkins v. Jason Bennett

Lumpkins v. Bennett · No. 3:22-cv-5852 · Decided January 14, 2026

SUMMARY

The United States District Court for the Western District of Washington dismissed William W. Lumpkins's habeas action without prejudice. The dismissal was based on failure to prosecute and failure to comply with multiple orders requiring supplemental briefing, pursuant to Federal Rule of Civil Procedure 41(b).

CASE DETAILS

|                       |                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                |
| WRITING FOR THE COURT | Jamal N. Whitehead                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                                                                |
| DECIDED               | January 14, 2026                                                                                                                                                                                                                   |
| DOCKET                | 3:22-cv-5852                                                                                                                                                                                                                       |
| DISPOSITION           | dismissed                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The district court sua sponte dismissed a state habeas petition without prejudice after the petitioner repeatedly failed to file court-ordered supplemental briefing.                                                              |
| STANDARD OF REVIEW    | A district court may dismiss an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order, subject to the court's consideration of the relevant case-management factors. |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                            |

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- post-conviction relief

## QUESTIONS PRESENTED

1. Whether the court should dismiss the habeas action for failure to prosecute and failure to comply with multiple court orders.

## HOLDINGS

1. A district court may dismiss a habeas action without prejudice when the petitioner repeatedly fails to comply with orders requiring supplemental briefing after receiving explicit warnings that noncompliance will result in dismissal.

## KEY QUOTATIONS

*“Because Lumpkins has failed to file his brief in compliance with multiple orders of the Court, the Court DISMISSES the action without prejudice for failure to prosecute and failure to comply.” (at 2)*

## FACTUAL BACKGROUND

The court ordered Lumpkins to file supplemental briefing addressing good cause for failing to exhaust an ineffective-assistance claim in state court and whether a stay would be futile under RCW 10.73.090. Lumpkins did not comply, and appointed counsel later withdrew after Lumpkins failed to provide written authorization for counsel to file on his behalf. Despite a further order setting a deadline and expressly warning that noncompliance would result in dismissal, Lumpkins did not file the supplemental brief.

## PROCEDURAL HISTORY

Lumpkins filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court repeatedly ordered supplemental briefing concerning exhaustion, the possible futility of a stay, and the merits of an ineffective-assistance claim; appointed counsel was unable to file the briefing because Lumpkins did not authorize counsel to do so, and counsel later withdrew. After another deadline and explicit warning that noncompliance would result in dismissal, Lumpkins still did not file the required brief. The court dismissed the action without prejudice for failure to prosecute and failure to comply with court orders.

## DISPOSITION

dismissed

## CASES CITED

- *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002)

## OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE 7 WILLIAM W. LUMPKINS, CASE NO. 3:22-cv-5852 8 Petitioner, DISMISSAL  
ORDER 9 v. 10 JASON BENNETT, 11 Respondent. 12 13 The Court raises this matter of its own

accord. Petitioner William Lumpkins 14 has been repeatedly ordered to file supplemental briefing related to his habeas 15 petition.

First, on March 29, 2024, the Court ordered Lumpkins to file a 16 supplemental brief addressing (1) good cause for his failure to exhaust his 17 ineffective assistance of counsel claim in state court; and (2) whether a stay would 18 be futile given the time constraint of RCW 10.73.090. Dkt. No. 18 at 12–13. 19 Lumpkins did not comply. Dkt. No. 28. 20 On November 25, 2024, the Court appointed counsel to help Lumpkins 21 address Respondent Jason Bennett’s argument that Lumpkins properly exhausted 22 his state court remedies on his ineffective assistance of counsel claim, that the state 23 1 court reasonably rejected his ineffective assistance of counsel claim under clearly 2 established federal law, and that nothing supports staying this case.

Dkt. Nos. 19, 3 22. By January 2025, appointed counsel were prepared to provide the supplemental 4 briefing but could not do so because Lumpkins failed to provide written 5 authorization for counsel to file on his behalf. See Dkt. No. 29. Without filing the 6 ordered supplemental briefing, Counsel withdrew from the case on September 23, 7 2025. Dkt. No. 30.

8 Finding that supplemental briefing was “nearly two months overdue,” the 9 Court ordered Lumpkins to file his brief by December 22, 2025. Dkt. No. 31 at 2. 10 The Court explicitly warned Lumpkins that should he fail to comply, “the Court will 11 dismiss his habeas petition for failure to prosecute and for failure to comply with a 12 court order.” *Id.* (citing *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir.

2002)) 13 (emphasis added). 14 As of the date of this Order, Lumpkins has not filed his supplemental briefing 15 despite the Court’s explicit warnings. Because Lumpkins has failed to file his brief 16 in compliance with multiple orders of the Court, the Court **DISMISSES** the action 17 without prejudice for failure to prosecute and failure to comply. See Fed. R. Civ.

P. 18 41(b); *Pagtalunan*, 291 F.3d at 643. 19 20 Dated this 14th day of January, 2026. 21 A Jamal N. Whitehead 22 United States District Judge 23