

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Henry Lee Jones v. Kenneth Nelsen, Warden

Jones · No. 3:23-cv-01063 · Decided March 9, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee rejects a magistrate judge’s recommendation to stay Henry Lee Jones’s wholly unexhausted habeas petition under 28 U.S.C. § 2254. The court concludes that Jones had no statute-of-limitations need for a stay because his state post-conviction proceedings remained pending, denies the motion to stay, dismisses the case without prejudice, and declines to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	March 9, 2026
DOCKET	3:23-cv-01063
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed de novo a magistrate judge's report and recommendation concerning Jones's renewed motion to stay and abey his wholly unexhausted 28 U.S.C. § 2254 petition. The court rejected the recommendation to stay the case, denied the motion to stay, and dismissed the petition without prejudice.
STANDARD OF REVIEW	De novo review of the portions of the report and recommendation to which timely objections were made, pursuant to Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b)(1)(B)-(C).
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Henry Lee Jones v. Kenneth Nelsen, Warden

TOPICS

federal habeas corpus

state post-conviction relief

post-conviction relief

criminal procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Capital punishment

QUESTIONS PRESENTED

1. Whether a federal district court has discretion under *Rhines v. Weber* and related authority to stay and hold in abeyance a wholly unexhausted 28 U.S.C. § 2254 petition.
2. Whether Jones established a basis for exercising that discretion where his state post-conviction proceedings remained pending but the AEDPA limitations period was tolled and no limitations-period confusion or other good cause justified a stay.
3. Whether the petition should be dismissed without prejudice rather than transferred to the Western District of Tennessee.

HOLDINGS

1. A district court has discretion to stay and hold in abeyance a wholly unexhausted § 2254 petition, subject to the limits identified in *Rhines v. Weber*, including good cause for failure to exhaust, potentially meritorious unexhausted claims, and the absence of intentionally dilatory litigation tactics.
2. A stay was not warranted because Jones had no valid AEDPA statute-of-limitations concern, no reasonable confusion about the limitations period, and no good cause for filing before exhausting his state remedies.
3. The wholly unexhausted § 2254 petition should be dismissed in its entirety without prejudice rather than stayed.
4. No certificate of appealability should issue because the correctness of the procedural dismissal without prejudice was not reasonably debatable.

KEY QUOTATIONS

“In sum, it is clear to this court that it has the discretion to stay and abey a wholly unexhausted § 2254 petition.”

“The court will, instead, exercise its discretion to dismiss the petition in its entirety without prejudice.”

FACTUAL BACKGROUND

Jones was convicted of two counts of first-degree premeditated murder and two counts of first-degree felony murder and received two death sentences after the felony-murder convictions were merged. Following reversal of his initial convictions for a prejudicial evidentiary ruling, he was retried in 2015, again convicted, and sentenced to death. He initiated state post-conviction proceedings in December 2019, but delays in appointing and replacing counsel, constitutional challenges to a Tennessee statute governing representation of the State in capital collateral proceedings, and related stays left those proceedings unresolved when he filed his federal

habeas petition. His federal petition asserted unexhausted speedy-trial, jurisdiction, arrest, discovery, and ineffective-assistance claims.

PROCEDURAL HISTORY

Jones was convicted and sentenced to death in Tennessee after a 2015 retrial, and the Tennessee Supreme Court affirmed; the U.S. Supreme Court denied review on October 7, 2019. He filed state post-conviction proceedings in December 2019, but those proceedings remained unresolved. Jones filed this federal habeas petition on October 11, 2023, before exhausting his state remedies. A magistrate judge recommended staying the petition under the stay-and-abeey procedure, but the district court rejected that recommendation after concluding that Jones had no statute-of-limitations concern or good cause requiring a stay.

DISPOSITION

dismissed

CASES CITED

- State v. Jones, 450 S.W.3d 866 (Tenn. 2014)
- State v. Jones, 568 S.W.3d 101 (Tenn.), cert. denied, 589 U.S. 980 (2019)
- Jones v. State, No. W2020-01347-CCA-R10-PD, 2022 WL 601074 (Tenn. Crim. App. Mar. 1, 2022)
- Jones v. State, No. W2025-01838-CCA-R10-PD, 2026 WL 289263 (Tenn. Crim. App. Feb. 4, 2026)
- McKay v. State, No. W2023-01207-CCA-R9-CO, 2024 WL 4404318 (Tenn. Crim. App. Oct. 4, 2024), vacated in part, 706 S.W.3d 338 (Tenn. 2025)
- Rose v. Lundy, 455 U.S. 509, 510 (1982)
- Rhines v. Weber, 544 U.S. 269, 274-78 (2005)
- Mena v. Long, 813 F.3d 907, 910-11 (9th Cir. 2016)
- Doe v. Jones, 762 F.3d 1174, 1177, 1181 (10th Cir. 2014)
- Heleva v. Brooks, 581 F.3d 187, 191 (3d Cir. 2009)
- Dolis v. Chambers, 454 F.3d 721, 724 (7th Cir. 2006)
- Robinson v. Horton, 950 F.3d 337, 342, 347 (6th Cir. 2020)
- Hickey v. Hoffner, 701 F. App'x 422, 427 (6th Cir. 2017)
- Pace v. DiGuglielmo, 544 U.S. 408, 414, 416 (2005)
- Harris v. Lafler, 553 F.3d 1028 (6th Cir. 2009)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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