

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Terence D. Maclin, Jr. v. Denita R. Ball

Maclin · No. 25-cv-2046-pp · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin overruled Terence D. Maclin Jr.’s objection and adopted the magistrate judge’s recommendation. The court denied his 28 U.S.C. § 2241 habeas petition, concluding that his Wisconsin speedy-trial claim was not cognizable as a state-law claim and that his federal claim sought dismissal rather than an order requiring trial. The court dismissed the case and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Pamela Pepper
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 11, 2026
DOCKET	25-cv-2046-pp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2241 while awaiting trial on Wisconsin criminal charges. The matter was referred to a magistrate judge, who recommended dismissal after denying leave to proceed without prepaying the filing fee. The district court reviewed the petitioner's objection de novo, adopted the recommendation, denied the petition, dismissed the case, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	The district court reviewed de novo those portions of the magistrate judge's recommendation to which Maclin properly objected under Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b)(1) (C). The court also applied the Rule 4 standard for dismissing a habeas petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unpublished, nonprecedential federal district court order

PARTIES

Terence D. Maclin, Jr. v. Denita R. Ball

TOPICS

federal habeas corpus

speedy trial

sixth amendment

bail

criminal procedure

PRACTICE AREAS

Federal habeas corpus

Criminal procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether a federal court may grant § 2241 habeas relief to a pretrial state detainee who seeks dismissal of pending state criminal charges based on an alleged speedy-trial violation.
2. Whether an alleged violation of Wisconsin's statutory speedy-trial requirements is cognizable in federal habeas review.
3. Whether Maclin's request for a signature bond or release warranted relief under § 2241.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. A pretrial state detainee may use § 2241 to pursue a speedy-trial claim only to force the state to bring him to trial, not to obtain dismissal of the pending state criminal charges.
2. An alleged violation of Wisconsin's statutory speedy-trial law is an error of state law and does not provide a basis for federal habeas relief under § 2241.
3. Maclin was not entitled to federal habeas relief based on his request for a signature bond or release because his § 2241 claim was not cognizable in the form presented and he sought dismissal rather than an order compelling a state trial.
4. A certificate of appealability should not issue because reasonable jurists would not debate that Maclin was not entitled to federal habeas relief.

KEY QUOTATIONS

“*[S]peedy trial claims*” raised in a §2241 petition “are limited to those where the petitioner is trying to force a trial, not the dismissal of a state criminal trial as untimely.” (III)

“*Speedy trial considerations can also be a basis for such relief, but only where the petitioner is seeking to force a trial; they are not a basis for dismissing a pending state criminal charge outright.*” (III)

FACTUAL BACKGROUND

Maclin was charged in Milwaukee County with six serious offenses, including first-degree intentional homicide, first-degree recklessly endangering safety, attempted armed robbery, firearm-possession offenses, and a machine-gun offense. He alleged that counsel demanded a ninety-day speedy trial on July 30, 2025, but that the state court did not schedule trial until March 23, 2026; the docket instead reflected defense requests for an

adjournment and other pending proceedings. Maclin sought dismissal of the state charges based on Wisconsin's speedy-trial statute and the Sixth Amendment and also appeared to seek release on a signature bond.

PROCEDURAL HISTORY

Maclin alleged that Wisconsin violated his statutory and Sixth Amendment speedy-trial rights and sought dismissal of the state criminal proceedings, as well as a signature bond. Magistrate Judge Nancy Joseph found that Maclin had sufficient assets to pay the filing fee but concluded that requiring payment would be futile because the petition plainly did not warrant federal relief. The district court overruled Maclin's objection, adopted the recommendation, denied the § 2241 petition, dismissed the case, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Younger v. Harris*, 401 U.S. 37, 46 (1971)
- *Olsson v. Curran*, 328 F. App'x 334, 335 (7th Cir. 2009)
- *Stroman Realty, Inc. v. Martinez*, 505 F.3d 658, 662 (7th Cir. 2007)
- *Sweeney v. Bartow*, 612 F.3d 571, 573 (7th Cir. 2010)
- *Birkley v. Lucas*, Case No. 21-CV-332, 2021 WL 1723453, at *2 (E.D. Wis. Mar. 29, 2021)
- *Graf v. Clarke*, Case No. 14-C-1205, 2014 WL 5361309, at *1 (E.D. Wis. Oct. 20, 2014)
- *Hirsch v. Smitley*, 66 F. Supp. 2d 985, 987 (E.D. Wis. 1999)
- *Lechner v. Frank*, 341 F.3d 635, 642 (7th Cir. 2003)
- *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)

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