

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

John Paul Sullivan v. Warden Misty Mackey

Sullivan · No. 1:25-cv-00140-SO · Decided March 4, 2026

SUMMARY

This document is a Report and Recommendation in a federal habeas corpus proceeding brought by Ohio state prisoner John Paul Sullivan under 28 U.S.C. § 2254. Sullivan alleges ineffective assistance of trial counsel based on alleged coercion to plead guilty and counsel’s failure to show him evidence. The document recounts Sullivan’s state criminal, appellate, and post-conviction proceedings and applies the AEDPA and Strickland standards.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Reuben J. Shepherd
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	March 4, 2026
DOCKET	1:25-cv-00140-SO
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a state prisoner’s petition for a writ of habeas corpus under 28 U.S.C. § 2254, recommending denial of the sole ineffective-assistance-of-counsel claim and denial of a certificate of appealability.
STANDARD OF REVIEW	Under AEDPA, habeas relief is unavailable for a claim adjudicated on the merits in state court unless the state decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. State factual findings are presumed correct absent clear and convincing evidence. Ineffective-assistance claims are evaluated under Strickland’s deficient-performance and prejudice requirements, with an additional layer of deference under § 2254(d).

PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final district-court judgment in the source text.
PARTIES	John Paul Sullivan v. Warden Misty Mackey

TOPICS

federal habeas corpus ineffective assistance post-conviction relief standard of review appellate procedure

PRACTICE AREAS

Federal habeas corpus criminal procedure post-conviction relief ineffective assistance of counsel
appellate procedure

QUESTIONS PRESENTED

1. Whether the Ohio courts unreasonably applied *Strickland v. Washington* in rejecting Sullivan’s claim that trial counsel was ineffective for failing to review discovery and coercing his guilty plea with alleged death-penalty threats.
2. Whether the state courts made an unreasonable factual determination in crediting trial counsel’s testimony over Sullivan’s testimony.
3. Whether Sullivan was entitled to a certificate of appealability.

HOLDINGS

1. Sullivan was not entitled to habeas relief because the state appellate court’s rejection of his ineffective-assistance claim was neither contrary to nor an unreasonable application of clearly established federal law under *Strickland* and AEDPA.
2. Sullivan did not rebut by clear and convincing evidence the presumption that the state courts’ credibility and factual findings were correct.
3. The report recommends that no certificate of appealability issue because reasonable jurists could not disagree with the recommended resolution of Sullivan’s constitutional claim.

KEY QUOTATIONS

“As a condition for obtaining habeas corpus from a federal court, a state prisoner must show that the state court’s ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” (Report and Recommendation at 17)

*“Federal habeas courts must guard against the danger of equating unreasonableness under *Strickland* with unreasonableness under § 2254(d).”* (Report and Recommendation at 18)

FACTUAL BACKGROUND

Sullivan was indicted in Lorain County in 2018 for aggravated murder, murder, felonious assault, tampering with evidence, and having weapons while under disability, with firearm specifications on most counts. He pleaded guilty and received an aggregate sentence of life imprisonment with parole eligibility after 39 years. Sullivan later alleged that trial counsel failed to show him discovery and coerced the plea by telling him he would receive the death penalty if he did not plead guilty. At a post-conviction hearing, Sullivan and trial counsel gave conflicting testimony, and the state courts credited counsel's testimony that he reviewed the discovery, including video evidence, and advised Sullivan about the potential capital consequences.

PROCEDURAL HISTORY

Sullivan initially filed a pro se petition under 28 U.S.C. § 2241. The court notified him that the petition was improperly filed under § 2241 and would be recharacterized under § 2254 unless withdrawn; Sullivan did not withdraw it. The State filed a return of writ, Sullivan filed a traverse, and the magistrate judge issued this report and recommendation after reviewing the state-court adjudication. In state court, Sullivan pleaded guilty to aggravated murder and related offenses, unsuccessfully sought post-conviction relief and withdrawal of his plea, appealed to the Ohio Ninth District Court of Appeals, and was denied discretionary review by the Ohio Supreme Court.

DISPOSITION

other

CASES CITED

- *Lindh v. Murphy*, 521 U.S. 320 (1997)
- *Cullen v. Pinholster*, 563 U.S. 170 (2011)
- *Burt v. Titlow*, 571 U.S. 12 (2013)
- *Bell v. Cone*, 543 U.S. 447 (2005)
- *Williams v. Taylor*, 529 U.S. 362 (2000)
- *White v. Mitchell*, 431 F.3d 517 (6th Cir. 2005), cert. denied, 549 U.S. 1047 (2006)
- *Mitchell v. Esparza*, 540 U.S. 12 (2003) (per curiam)
- *Machacek v. Hofbauer*, 213 F.3d 947 (6th Cir. 2000), cert. denied, 531 U.S. 1089 (2001)
- *Harrington v. Richter*, 562 U.S. 86 (2011)
- *Murray v. Carrier*, 477 U.S. 478 (1986)
- *Engle v. Isaac*, 456 U.S. 107 (1982)
- *Durr v. Mitchell*, 487 F.3d 423 (6th Cir. 2007)
- *Daniels v. United States*, 532 U.S. 374 (2001)
- *Bonnell v. Mitchel*, 301 F. Supp. 2d 698 (N.D. Ohio 2004), aff'd sub nom. *Bonnell v. Mitchell*, 212 F. App'x 517 (6th Cir. 2007)
- *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999)
- *Wagner v. Smith*, 581 F.3d 410 (6th Cir. 2009)
- *McMeans v. Brigano*, 228 F.3d 674 (6th Cir. 2000)

- *Jalowiec v. Bradshaw*, 657 F.3d 293 (6th Cir. 2011)
- *Williams v. Anderson*, 460 F.3d 789 (6th Cir. 2006)
- *Gray v. Netherland*, 518 U.S. 152 (1996)
- *Coleman v. Thompson*, 501 U.S. 722 (1991)
- *Benton v. Brewer*, 942 F.3d 305 (6th Cir. 2019)
- *Lovins v. Parker*, 712 F.3d 283 (6th Cir. 2013)
- *Maupin v. Smith*, 785 F.2d 135 (6th Cir. 1986)
- *Wogenstahl v. Mitchell*, 668 F.3d 307 (6th Cir. 2012)
- *Lundgren v. Mitchell*, 440 F.3d 754 (6th Cir. 2006)
- *Bousley v. United States*, 523 U.S. 614 (1998)
- *Schlup v. Delo*, 513 U.S. 298 (1995)
- *Tyler v. Mitchell*, 416 F.3d 500 (6th Cir. 2005)
- *Jenkins v. Welch*, No. 4:09CV637, 2010 WL 1948297, at *15 (N.D. Ohio Apr. 26, 2010)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Perkins v. McKee*, 411 F. App'x 822 (6th Cir. 2011)
- *State v. Sullivan*, 2023-Ohio-3520, 2023 WL 6345825 (Ohio Ct. App. Sept. 29, 2023)
- *State v. Sullivan*, No. 2023-1451, 225 N.E.3d 1031 (Ohio 2024) (table)
- *State v. Smith*, 9th Dist. Summit Nos. 29779, 29780, 2021-Ohio-1177
- *Blakemore v. Blakemore*, 5 Ohio St. 3d 217 (1983)
- *State v. Brantley*, 9th Dist. Summit No. 29924, 2021-Ohio-4621
- *State v. Weaver*, Slip Opinion No. 2022-Ohio-4371
- *State v. Gondor*, 112 Ohio St. 3d 377, 2006-Ohio-6679
- *Cunningham v. Shoop*, 817 F. App'x 223 (6th Cir. 2020)
- *Buck v. Davis*, 137 S. Ct. 759 (2017)
- *Slack v. McDaniel*, 529 U.S. 473 (2000)
- *Berkshire v. Dahl*, 928 F.3d 520 (6th Cir. 2019)
- *Howard Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991)
- *Overholt v. Green*, No. 1:17-CV-00186, 2018 WL 3018175 (W.D. Ky. June 15, 2018)
- *United States v. Wandahsega*, 924 F.3d 868 (6th Cir. 2019)