

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

Brian L. Anderson v. Jay Forshey, Warden, Noble Correctional
Institution

Anderson v. Forshey, Case No. 2:25-cv-00459 (S.D. Ohio Jan. 6, 2026) · No. 2:25-cv-00459 · Decided January
6, 2026

SUMMARY

The United States District Court for the Southern District of Ohio reviews Brian L. Anderson’s objections to a magistrate judge’s recommendation to dismiss his habeas corpus petition. The court holds that *Stone v. Powell* bars review of Anderson’s Fourth Amendment suppression claim, rejects his related Fifth and Fourteenth Amendment due process and *Faretta* arguments, and defers under AEDPA to the state court’s decision concerning sufficiency of the evidence. The court adopts the recommendation, dismisses the petition with prejudice, denies a certificate of appealability, and certifies that an appeal would be objectively frivolous.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Sarah D. Morrison
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 6, 2026
DOCKET	2:25-cv-00459
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2254 habeas petition challenging state convictions for drug and firearms offenses. After the magistrate judge recommended dismissal, petitioner filed objections, which the district court reviewed de novo and overruled.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendations and objections under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). For the merits of the habeas claims, review was governed by 28 U.S.C. § 2254(d)(1), including whether the state-court decision was contrary to or an objectively

	unreasonable application of clearly established Supreme Court precedent.
PRECEDENTIAL VALUE	Unknown; district-court decision with no reported citation identified
PARTIES	Brian L. Anderson v. Jay Forshey, Warden, Noble Correctional Institution

TOPICS

federal habeas corpus fourth amendment due process habeas corpus appellate procedure

PRACTICE AREAS

federal habeas corpus criminal procedure constitutional law post-conviction relief

QUESTIONS PRESENTED

1. Whether *Stone v. Powell* barred federal habeas review of Anderson's Fourth Amendment suppression claim when Ohio provided a pretrial suppression motion, an evidentiary hearing, and appellate review.
2. Whether Anderson established a due process violation based on the state courts' alleged failure to admit or consider a preliminary-hearing transcript and body-camera footage.
3. Whether Anderson established a constitutional violation based on insufficient evidence that he knowingly possessed the shotgun.
4. Whether Anderson had a constitutional right to participate in the criminal proceedings while represented by counsel under *Faretta v. California*.

HOLDINGS

1. Federal habeas review of Anderson's Fourth Amendment claim was barred because Ohio provided a full and fair opportunity to litigate the claim through a pretrial suppression motion, a hearing at which witnesses and exhibits could be presented, and appellate review.
2. Anderson failed to establish that the state court decision rejecting his due process claim was contrary to or an objectively unreasonable application of clearly established Supreme Court precedent.
3. The Constitution does not provide a right to hybrid representation in which a criminal defendant represents himself while also being represented by counsel.
4. Anderson was not entitled to habeas relief on his insufficient-evidence claim because the state appellate court applied the *Jackson v. Virginia* standard reasonably and its decision was entitled to AEDPA deference.

KEY QUOTATIONS

“Unless we wish anarchy to prevail within the federal judicial system, a precedent of this Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be.”

FACTUAL BACKGROUND

Anderson was convicted in Ohio of drug and firearms offenses, including knowingly possessing a piece of dangerous ordnance, identified as a shotgun. The shotgun was found between the passenger seat where Anderson was seated and the passenger door. Anderson challenged the admission or consideration of body-camera footage and a municipal-court preliminary-hearing transcript, and later argued that the State had not proved that he knowingly possessed the shotgun.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal of Anderson's habeas petition, concluding that his Fourth Amendment claim was barred by *Stone v. Powell* and that the state appellate court's sufficiency-of-the-evidence decision was entitled to deference under AEDPA. The district court reviewed the objections de novo, adopted the Report and Recommendations, overruled the objections, dismissed the petition with prejudice, denied a certificate of appealability, and certified that an appeal would be objectively frivolous and should not proceed in forma pauperis.

DISPOSITION

dismissed

CASES CITED

- *Stone v. Powell*, 428 U.S. 465 (1976)
- *Hutto v. Davis*, 454 U.S. 370, 375 (1982)
- *Litman v. Massachusetts Mut. Life Ins. Co.*, 825 F.2d 1506 (11th Cir. 1987)
- *State v. Perry*, 10 Ohio St. 2d 175 (1967)
- *Faretta v. California*, 422 U.S. 806, 835 (1975)
- *McKaskle v. Wiggins*, 465 U.S. 168 (1984)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *State v. Anderson*, *supra*, ¶ 55