

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Robert Travis Jenkins v. Dan Schnurr

Robert Travis Jenkins v. Dan Schnurr · No. 25-3076-JWL · Decided December 3, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS ROBERT TRAVIS JENKINS, Petitioner, v. CASE NO. 25-3076-JWL DAN SCHNURR, Respondent. MEMORANDUM AND ORDER This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner and Kansas state prisoner Robert Travis Jenkins. (Doc. 1.)

The petition was filed on April 25, 2025. (Doc. 1.) This matter comes now before the Court on Respondent's limited Pre- Answer Response ("PAR") regarding the timeliness of this matter and Petitioner's reply to the PAR. (Docs. 28 and 33.) Also before the Court is Petitioner's motion for leave to file excess pages. (Doc. 18.)

For the reasons explained below, the Court will direct Respondent to submit to the Court relevant state-court records required for resolution of the timeliness question in this matter. Background In August 2016, a jury in Seward County, Kansas convicted Petitioner of aggravated robbery; the following month, the district court sentenced him to 221 months in prison.

(Doc. 1, p. 1); State v. Jenkins, 2018 WL 2375788, *1-2 (Kan. Ct. App. May 25, 2018) (unpublished) (Jenkins I) rev. denied Feb. 28, 2019. Petitioner pursued a direct appeal and, in May 2018, the Kansas Court of Appeals (KCOA) affirmed his conviction and sentence. Jenkins I, 2018 WL 2375788, at *1.

The following February, the Kansas Supreme Court (KSC) denied his petition for review. See Jenkins v. State, 2023 WL 8520316, *1 (Kan. Ct. App. Dec. 8, 2023) (unpublished) (Jenkins II). Petitioner then filed a petition for writ of certiorari in the United States Supreme Court, which was denied on October 7, 2019. Id. On November 30, 2021, Petitioner filed in Seward County district court a motion seeking state habeas corpus relief under K.S.A.

60-1507. See id. Shortly thereafter, the state district court denied the motion as untimely. Id. Petitioner appealed and, in December 2023, the KCOA reversed the denial and remanded for further proceedings. Id. The available online records of the Seward County District Court reflect that the remand proceedings may be ongoing. See Kansas District Court Public Access Portal, Seward County Case No. 2021-CV-000085.

In April 2025, Petitioner filed the pro se petition for federal writ of habeas corpus pursuant to 28 U.S.C. § 2254 that is now before this Court. (Doc. 1.) He paid the filing fee for this matter in May 2025. Shortly thereafter, the Court issued a notice and order to show cause ("NOSC") explaining

to Petitioner that this matter appeared to have been filed outside of the relevant statute of limitations and directing him to show cause why it should not be dismissed as time-barred.

(Doc. 3.) Petitioner filed several responsive documents (see Docs. 13, 15, 16, 17, 18, 19, and 21), after which the Court ordered Respondent to prepare and file a PAR limited to addressing timeliness (Doc. 22). Petitioner filed exhibits in support of his arguments on timeliness (Doc. 25) and, on October 21, 2025, Respondent timely filed the PAR (Doc. 28). Petitioner filed his reply to the PAR on December 1, 2025.

(Doc. 33.) Discussion The Court has reviewed the parties' written arguments on timeliness. Petitioner does not dispute that his petition was filed outside of the statute of limitations, but he argues that he is entitled to equitable tolling or, in the alternative, to pass through the actual innocence gateway, which would allow the Court to consider the merits of his asserted grounds for habeas relief despite the untimeliness of the petition.

To resolve the question of whether Petitioner is entitled to equitable tolling or to pass through the actual innocence gateway, the Court requires further information contained in state-court records that are not currently before this Court and are not available through the Kansas courts' Public Access Portals.

Therefore, the Court will direct Respondent to submit to this Court for examination the records and transcripts, if available, of the criminal proceedings against Petitioner in Seward County case number 2015-CR-528, as well as a copy of the brief filed by attorney Adam T. Carey in the Kansas Court of Appeals case number 125,305. No additional briefing, motions, or exhibits related to timeliness may be filed by either party at this time.

IT IS THEREFORE ORDERED THAT Respondent is granted to and including January 15, 2026 in which to cause to be forwarded to this Court for examination and review (1) the records and transcripts, if available, of the criminal proceedings that led to the convictions at issue in this matter and (2) the brief filed on Petitioner's behalf in Kansas Court of Appeals case number 125,305.

Upon receipt and review of these records, the Court will resume its analysis of the timeliness of this matter and will issue further orders as necessary. IT IS SO ORDERED. DATED: This 3rd day of December, 2025, at Kansas City, Kansas. S/ John W. Lungstrum JOHN W. LUNGSTRUM
United States District Judge