

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Ian Toegan v. Rob Jeffreys

Toegan · No. 8:25CV632 · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Nebraska dismissed Ian Toegan’s 28 U.S.C. § 2254 habeas petition without prejudice because his state postconviction proceedings were still pending and he had not exhausted available state remedies. The court concluded that dismissal would not prejudice a timely refiling after exhaustion because the federal limitations period was tolled during the state proceedings. The court also declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Joseph F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 20, 2026
DOCKET	8:25CV632
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 while his state postconviction proceedings remained pending. The district court conducted initial review under Rule 4 and dismissed the petition without prejudice for failure to exhaust available state remedies.
STANDARD OF REVIEW	Initial review under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts; the court considered exhaustion and dismissed sua sponte on procedural grounds.
PRECEDENTIAL VALUE	unpublished
PARTIES	Ian Toegan v. Rob Jeffreys

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal habeas petition should be dismissed because Toegan had not exhausted available state postconviction remedies.
2. Whether a stay under *Rhines v. Weber* was appropriate for the alleged mixed petition.
3. Whether dismissal without prejudice would prejudice Toegan by preventing a timely later federal habeas petition.
4. Whether Toegan was entitled to a certificate of appealability after the procedural dismissal.

HOLDINGS

1. A state prisoner may not obtain federal habeas relief before exhausting available state remedies, and a § 2254 petition filed while the prisoner's state postconviction proceedings remain pending is premature.
2. Dismissal without prejudice, rather than a stay under *Rhines*, was appropriate because Toegan's state proceedings were pending and dismissal would not prejudice his ability to seek timely federal habeas review after exhaustion.
3. Toegan was not entitled to a certificate of appealability from the procedural dismissal.

KEY QUOTATIONS

“Because the exhaustion doctrine is designed to give the state courts a full and fair opportunity to resolve federal constitutional claims before those claims are presented to the federal courts . . . state prisoners must give the state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State’s established appellate review process.”

“[O]ur interpretation of §§ 2254(b), (c) provides a simple and clear instruction to potential litigants: before you bring any claims to federal court, be sure that you first have taken each one to state court.”

FACTUAL BACKGROUND

Toegan pleaded no contest on March 28, 2024, to amended criminal charges in Nebraska state court and was sentenced on May 7, 2024, to multiple consecutive terms totaling approximately 41 to 50 years. The Nebraska Court of Appeals summarily affirmed the judgment on October 2, 2024, and the mandate issued on or about November 7, 2024. Toegan filed a state postconviction motion on September 23, 2025, alleging ineffective assistance of trial counsel, but the motion was still pending when he filed his federal habeas petition.

PROCEDURAL HISTORY

Toegan pleaded no contest in the District Court of Lancaster County, Nebraska, and received an aggregate prison sentence. The Nebraska Court of Appeals summarily affirmed, and Toegan did not seek further review in the Nebraska Supreme Court. He later filed a state postconviction motion alleging ineffective assistance of counsel; while that motion was pending, he filed this federal § 2254 petition. The district court dismissed the federal petition without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Stutzka v. McCarville, 420 F.3d 757, 760 n.2 (8th Cir. 2005)
- O'Sullivan v. Boerckel, 526 U.S. 838, 844-45 (1999)
- Akins v. Kenney, 410 F.3d 451, 454-55 (8th Cir. 2005)
- Rose v. Lundy, 455 U.S. 509, 520 (1982)
- McLemore v. Frakes, No. 8:18CV567, 2019 WL 2358433, at *3 n.2 (D. Neb. June 4, 2019)
- Rhines v. Weber, 544 U.S. 269, 277-78 (2005)
- Gonzalez v. Thaler, 565 U.S. 134, 150 (2012)
- Slack v. McDaniel, 529 U.S. 473, 484-85 (2000)