

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Robert Boyd v. Warden, Madison Correctional Institution

Boyd v. Warden, Madison Correctional Institution, Case No. 1:25-cv-00455 (S.D. Ohio Dec. 9, 2025) · No. 1:25-cv-00455 · Decided December 9, 2025

SUMMARY

The United States District Court for the Southern District of Ohio denied Petitioner Robert Boyd’s motions for discovery and written depositions in his 28 U.S.C. § 2254 habeas corpus case. The court concluded that Boyd had not shown circumstances permitting consideration of new evidence notwithstanding Cullen v. Pinholster, and noted that a Report and Recommendations had recommended dismissal of the petition with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Michael R. Merz; Jeffery P. Hopkins
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	December 9, 2025
DOCKET	1:25-cv-00455
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought discovery and written depositions in a pending federal habeas corpus proceeding under 28 U.S.C. § 2254.
PRECEDENTIAL VALUE	Unknown
PARTIES	Robert Boyd v. Warden, Madison Correctional Institution

TOPICS

- federal habeas corpus
- discovery dispute
- post-conviction relief

PRACTICE AREAS

- Federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the petitioner was entitled to conduct discovery and take written depositions in his federal habeas proceeding despite the limitations imposed by *Cullen v. Pinholster*.

HOLDINGS

1. The court denied the motions for discovery and written depositions because the petitioner failed to show that any recognized circumstance permitting consideration of new evidence outside the *Pinholster* rule existed in his case.

KEY QUOTATIONS

“Pinholster bars a federal court “from admitting new evidence upon which to assess the reasonableness of a state court’s constitutional analysis.””

“Accordingly, Petitioner’s Motion for Discovery and Motion for Written Depositions are DENIED.”

FACTUAL BACKGROUND

Robert Boyd, proceeding pro se, filed a habeas corpus petition under 28 U.S.C. § 2254. He sought written questions to ten individuals and extensive additional discovery concerning his case. Boyd argued that discovery could proceed under exceptions to *Cullen v. Pinholster*, including claims not adjudicated on the merits, challenges involving procedural default, or a gateway actual-innocence claim, but the court found that he had not shown any such circumstance.

PROCEDURAL HISTORY

Boyd filed a federal habeas petition and moved for leave to conduct discovery and for written depositions. The magistrate judge had issued a Report and Recommendations recommending dismissal of the petition with prejudice. The court denied both discovery motions because Boyd did not establish a circumstance in which *Cullen v. Pinholster* would not bar consideration of new evidence.

DISPOSITION

other

CASES CITED

- *Cullen v. Pinholster*, 563 U.S. 170 (2011)
- *Upshaw v. Stephenson*, 97 F.4th 365, 372 (6th Cir. 2024)
- *Mitchell v. Genovese*, 974 F.3d 638, 647 (6th Cir. 2020)
- *Caudill v. Collier*, 871 F. Supp. 2d 639 (E.D. Ky. 2012)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI ROBERT BOYD, Petitioner,: Case No. 1:25-cv-00455 -
vs - District Judge Jeffery P. Hopkins Magistrate Judge Michael R. Merz WARDEN, Madison

Correctional Institution, Respondent. DECISION AND ORDER ON MOTIONS FOR DISCOVERY This habeas corpus case, brought pro se by Petitioner Robert Boyd under 28 U.S.C. § 2254, is before the Court on two motions by Petitioner for discovery: Motion for Leave to Conduct Discovery (ECF No. 31), and Motion for Written Depositions (ECF No. 30) Petitioner seeks to have written questions posed to Ray Boggs, Jr.; Ryan Skeens; Gabbie Maytas; Patrick Howie; Kiel Jones; Royce Craft; Danny Sabelli; Josh Hensley; Ethan Smith; and Isyss Boyd.

He also seeks very substantial discovery of additional materials related to the case. Petitioner recognizes the applicability of *Cullen v. Pinholster*, 563 U.S. 170 (2011). *Pinholster* bars a federal court “from admitting new evidence upon which to assess the reasonableness of a state court's constitutional analysis.” *Upshaw v. Stephenson*, 97 F. 4th 365, 372 (6th Cir.

2024), quoting *Mitchell v. Genovese*, 974 F.3d 638, 647 (6th Cir. 2020). However, he argues. However, there are circumstances under which a Federal Habeas courts consideration of new evidence does not contravene *Pinholster*. These include "if the Court determines from the existing record that the state courts' decision was unreasonable under §2254(d); if a claim was not adjudicated on the merits but is otherwise properly before the Court for habeas review; or if the Court is considering whether to excuse a procedural default.

(ECF No. 31, PageID 2709). In support of the proposition that *Pinholster* does not preclude discovery here, Petitioner cites *Caudill v. Collier*, 871 F. Supp. 2d 639 (E.D. Ky. 2012), but the Magistrate Judge writing that opinion did not actually grant discovery. While this Court agrees that there are situations in which *Pinholster* would not preclude new evidence – e.g. in support of a gateway claim of actual innocence, Petitioner has not shown and of the conditions mentioned exists in this case.

The undersigned has filed a Report and Recommendations (ECF No. 29) recommending that the Petition be dismissed with prejudice and without finding any of the circumstances in which *Pinholster* might not apply. Accordingly, Petitioner’s Motion for Discovery and Motion for Written Depositions are DENIED. December 9, 2025. s/ Michael R. Merz United States Magistrate Judge