

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Griffin v. Buesgen

No. 26-cv-99-jdp (W.D. Wis. Apr. 1, 2026) · No. 26-cv-99-jdp · Decided April 2, 2026

SUMMARY

The U.S. District Court for the Western District of Wisconsin dismissed Keith L. Griffin’s 28 U.S.C. § 2254 habeas petition as plainly meritless. Griffin argued that Wisconsin lacked jurisdiction to revoke his probation because the revocation relied on an allegedly void Illinois conviction. The court rejected that contention, denied an evidentiary hearing and certificate of appealability, and cautioned Griffin that continued meritless filings could result in a filing bar.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	U.S. District Court for the Western District of Wisconsin
DECIDED	April 2, 2026
DOCKET	26-cv-99-jdp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from the revocation of his Wisconsin probation. The district court reviewed the petition under Rule 4 and dismissed it as plainly meritless without resolving exhaustion.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may summarily dismiss a petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. A § 2254 petition may also be denied on the merits notwithstanding failure to exhaust state remedies under 28 U.S.C. § 2254(b)(2).
PRECEDENTIAL VALUE	Unknown
PARTIES	Keith L. Griffin v. Chris Buesgen

TOPICS

- federal habeas corpus
- post-conviction relief
- due process
- procedural due process
- civil procedure

PRACTICE AREAS

federal habeas corpus

constitutional law

criminal procedure

QUESTIONS PRESENTED

1. Whether the district court could deny Griffin's § 2254 petition on the merits without first resolving whether he exhausted available Wisconsin state-court remedies.
2. Whether Griffin stated a viable due process claim that Wisconsin lacked jurisdiction to revoke his probation because the revocation relied on an allegedly void Illinois conviction.
3. Whether Griffin was entitled to an evidentiary hearing or a certificate of appealability.

HOLDINGS

1. The district court may deny a § 2254 petition on the merits even if the petitioner has failed to exhaust state-court remedies.
2. Griffin's claim that Wisconsin lacked jurisdiction to revoke his probation because the Illinois conviction was void was plainly meritless.
3. No evidentiary hearing was warranted because Griffin's allegations were plainly meritless and conclusory.
4. A certificate of appealability was denied because Griffin did not make a substantial showing of the denial of a constitutional right and reasonable jurists would not find the court's assessment debatable or wrong.

KEY QUOTATIONS

"Rule 4 authorizes me to dismiss a petition summarily if "it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.""

"I will deny Griffin's petition because it is plainly meritless."

"That dismissal did not invalidate the Illinois conviction; this contention is frivolous."

"Griffin "must demonstrate that reasonable jurists would find [my] assessment of the constitutional claims debatable or wrong.""

FACTUAL BACKGROUND

In 2015, Griffin was convicted in Dane County, Wisconsin, of taking and driving a vehicle without consent and received a sentence imposed and stayed for three years of probation. In 2018, he was convicted in Illinois of being an armed habitual criminal and unlawful use of a weapon by a felon; the conviction was affirmed on appeal, and the Illinois Supreme Court denied review. Wisconsin revoked Griffin's probation in February 2025, largely based on conduct charged in the Illinois case, and imposed the previously stayed sentence.

PROCEDURAL HISTORY

Griffin's Wisconsin probation in Dane County case no. 2015CF997 was revoked in February 2025, and the Wisconsin Division of Hearings and Appeals sustained the revocation decision. Griffin filed this § 2254 petition, contending that Wisconsin lacked jurisdiction to revoke probation because the revocation relied on a void Illinois conviction. The district court concluded that it could deny the petition on the merits despite possible failure to exhaust state remedies, dismissed the petition under Rule 4, denied a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Wilson v. Cromwell, 58 F.4th 309, 319 (7th Cir. 2023)
- Griffin v. Hafemann, No. 15-cv-140, 2015 WL 566593, at *1 (E.D. Wis. Feb. 9, 2015)
- Smith v. Benzell, No. 23-cv-1405, 2024 WL 493288, at *1 (E.D. Wis. Jan. 25, 2024)
- Smith v. Benzell, 2024 WL 756072 (E.D. Wis. Feb. 23, 2024)
- People v. Griffin, 2022 IL App (1st) 190499, ¶ 1
- People v. Griffin, 197 N.E.3d 1132 (Ill. 2022) (table)
- Mayberry v. Dittmann, 904 F.3d 525, 532 (7th Cir. 2018)
- Slack v. McDaniel, 529 U.S. 473, 474 (2000)
- Griffin v. Meisner, 25-cv-328-jdp, Dkt. 6
- Griffin v. Popp, 25-cv-258-jdp, Dkt. 12
- Griffin v. Barrett, 25-cv-200-jdp, Dkt. 3
- Griffin v. Perez, 25-cv-145-jdp, Dkt. 12
- Griffin v. Jones, 24-cv-270 (N.D. Ill.)

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