

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

John A. Clarke, Jr. v. Franklin County Probation Department

Case No. 2:25-cv-00750 · No. 2:25-cv-00750 · Decided January 14, 2026

SUMMARY

This Report and Recommendations addresses John A. Clarke Jr.'s 28 U.S.C. § 2254 petition challenging his Ohio conviction for election falsification. The magistrate judge recommends denying equitable tolling and dismissing the petition as untimely under the AEDPA statute of limitations, while declining to reach the merits.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Michael R. Merz; Sarah D. Morrison
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 14, 2026
DOCKET	2:25-cv-00750
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendations in a 28 U.S.C. § 2254 habeas action recommending denial of equitable tolling and dismissal of the petition as untimely.
STANDARD OF REVIEW	A habeas petition filed after the one-year AEDPA limitations period may be equitably tolled only when the petitioner demonstrates diligent pursuit of rights and an extraordinary circumstance that prevented timely filing. The magistrate judge evaluated the petition under the applicable limitations and equitable-tolling standards.
PARTIES	John A. Clarke, Jr. v. Franklin County Probation Department

QUESTIONS PRESENTED

- Whether Clarke's petition under 28 U.S.C. § 2254 was filed within the one-year AEDPA statute of limitations.

2. Whether Clarke established entitlement to equitable tolling for the six-day filing delay based on alleged misinformation or lack of advice from counsel and a paralegal organization.
3. Whether the petition should be dismissed as untimely without reaching Clarke's claims concerning insufficient evidence, prosecutorial authority, ineffective assistance of counsel, and admission of evidence.

HOLDINGS

1. The petition was filed after the one-year AEDPA limitations period expired. Clarke's conviction became final on July 1, 2024, and his July 7, 2025 petition was six days late.
2. Clarke was not entitled to equitable tolling for the six-day delay because he failed to show both diligent pursuit of his rights and an extraordinary circumstance beyond his control that prevented timely filing.

KEY QUOTATIONS

"Absent compelling equitable considerations, a court should not extend limitations by even a single day."
(209 F.3d at 561)

FACTUAL BACKGROUND

A Franklin County grand jury indicted Clarke on charges arising from financial reports submitted on behalf of the Columbus Clean Energy Initiative. A jury convicted him of one count of election falsification, and he was sentenced to 120 days' imprisonment and five years of community control. Clarke's conviction became final on direct review when the time to seek United States Supreme Court review expired on July 1, 2024, but he did not file his federal habeas petition until July 7, 2025.

PROCEDURAL HISTORY

Clarke was convicted in the Franklin County Court of Common Pleas of one count of election falsification and received a 120-day sentence and five years of community control. After the Ohio Supreme Court declined jurisdiction over a subsequent appeal, Clarke filed a federal habeas petition on July 7, 2025. The magistrate judge concluded that the petition was filed six days after the AEDPA limitations period expired and recommended denying equitable tolling, dismissing the petition, denying a certificate of appealability, and certifying that an appeal would be objectively frivolous.

DISPOSITION

other

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