

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Brantly Morgan v. Judge Lawrence Chrum

Morgan · No. 4:26-cv-00184-JMD · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies without prejudice Brantly Morgan’s petition for habeas relief under 28 U.S.C. §§ 2241 and 2254. The court holds that the petition is premature because Morgan’s appeal concerning a state-court protection order remains pending, and he has not exhausted available state remedies. The court also denies Morgan’s motion to proceed in forma pauperis as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	Joshua M. Divine
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	March 27, 2026
DOCKET	4:26-cv-00184-JMD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. §§ 2241 and 2254 from a state-court protection order while acknowledging that his state-court appeal remained pending.
STANDARD OF REVIEW	The court exercised its discretion under 28 U.S.C. § 1915(e)(2)(B)(i) to dismiss a frivolous action at any time and applied the statutory exhaustion requirement for federal habeas petitions.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; limited precedential value

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure
- appellate procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether Morgan's federal habeas petition was premature because he had not exhausted available state-court remedies while his state appeal remained pending.
2. Whether the court could dismiss the petition as legally frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).
3. Whether Morgan's motion to proceed in forma pauperis should be denied as moot after dismissal of the petition.

HOLDINGS

1. A federal habeas petitioner must exhaust available state remedies before seeking federal habeas relief unless the state corrective process is unavailable or ineffective; because Morgan's state appeal remained pending and he identified no exception, his petition was premature and had to be dismissed without prejudice.
2. The court may dismiss a legally frivolous action at any time under 28 U.S.C. § 1915(e)(2)(B)(i), including before ruling on an in forma pauperis motion.
3. The motion for leave to proceed in forma pauperis was denied as moot after the habeas petition was dismissed.

KEY QUOTATIONS

“Unless a state court process is unavailable or ineffective, the Court “shall not” grant a habeas petition unless the applicant “has exhausted the remedies available in the courts of the State.”” (at 1)

“Because Morgan concedes that his appeal in state court remains pending, his habeas petition is premature.” (at 2)

FACTUAL BACKGROUND

Morgan challenged a protection order issued by Judge Lawrence Chrum of the St. Charles County Circuit Court, alleging that the order unlawfully restricted him to his property and lacked evidentiary support. Morgan admitted that his appeal of the state-court decision remained pending. He did not identify any circumstance making the state-court process unavailable or ineffective.

PROCEDURAL HISTORY

Morgan filed a federal habeas petition challenging a protection order issued by a St. Charles County Circuit Court judge and moved to proceed in forma pauperis. The district court dismissed the petition without prejudice for failure to exhaust available state remedies, determined that the petition was legally frivolous, and denied the in forma pauperis motion as moot.

DISPOSITION

dismissed

CASES CITED

- Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983)
- Robbins v. Clarke, 946 F.2d 1331, 1333 (8th Cir. 1991)
- O’Sullivan v. Boerckel, 526 U.S. 838, 842 (1999)
- Kdwards v. Vannoy, 593 U.S. 255, 287 (Gorsuch, J., concurring)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI) BRANTLY MORGAN,)) Plaintiff,)) v.)) No. 4:26-cv-00184-JMD JUDGE LAWRENCE CHRUM,) Defendant.)))) MEMORANDUM AND ORDER DENYING HABEAS RELIEF Brantly Morgan seeks habeas relief under 28 U.S.C. §§ 2241, 2254, alleging that a “protection order” has “unlawfully restricted” him to his property.¹ ECF 1 at 1.

He moved for leave to proceed in forma pauperis. Morgan argues that Judge Lawrence Chrum of the St. Charles County Circuit Court abused his discretion in issuing the order with “no evidence to support his finding of fact.” Id. at 2. But Morgan admits that his appeal of this decision is still “pending” in state court. Id. That is fatal.

The Court dismisses his petition for lack of exhaustion and denies his in forma pauperis motion as moot. Morgan’s petition is legally frivolous. “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal is frivolous or malicious.” 28 U.S.C. § 1915(e)(2)(B)(i).

The Court would ordinarily rule on his in forma pauperis motion first. But exercising its “sound discretion” under § 1915 to dismiss the case at any time, Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983), the Court dismisses the petition. ¹ The Court does not address whether Morgan may seek habeas relief from a protective order because it makes no difference here.

Morgan must exhaust state remedies first before requesting federal habeas relief, but he has not. Dismissal under § 1915 is “proper” where the petition “lacks an arguable basis in either law or in fact.” Robbins v. Clarke, 946 F.2d 1331, 1333 (8th Cir. 1991) (citation omitted). Unless a state court process is unavailable or ineffective, the Court “shall not” grant a habeas petition unless the applicant “has exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A)-(B).

Morgan has not identified anything rendering the state court process unavailable or ineffective, so he “must give the state courts an opportunity to act on his claims before he presents those claims to a federal court in a habeas petition.” O’Sullivan v. Boerckel, 526 U.S. 838, 842 (1999); see § 2254(c) “An applicant shall not be deemed to have exhausted the remedies available in the courts of the State... if he has the right under the law of the State to raise, by any available procedure, the question presented.”).

Because Morgan concedes that his appeal in state court remains pending, his habeas petition is premature. The Court will not lightly act as an appellate tribunal over Missouri's "entire state judicial system." *Kdwards v. Vannoy*, 593 U.S. 255, 287 (Gorsuch, J., concurring). Nor will it rob that system of its power to adjudicate Morgan's claims first.

The Court DENIES without prejudice Morgan's petition for writ of habeas corpus, ECF 1. A separate order of dismissal shall accompany this memorandum and order. The Court also DENIES as moot Morgan's motion for leave to proceed in forma pauperis, ECF 2. Dated this 27th day of March, 2026 JOSHUA M. DIVINE UNITED STATES DISTRICT JUDGE