

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Cunningham

Cunningham · No. Criminal No. 95-0088 (PLF); Civil Action No. 16-1291 (PLF) · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Columbia considers Harold Cunningham’s omnibus supplemental motion and four pro se motions under 28 U.S.C. § 2255. The court holds that Cunningham’s judgment of conviction was not yet final because the D.C. Circuit had remanded for resentencing, so the motions were not time-barred and could be treated as timely amendments to his authorized successive § 2255 motion. The opinion addresses the application of Federal Rule of Civil Procedure 15 and the relation-back doctrine to successive habeas motions.

CASE DETAILS

COURT	United States District Court for the District of Columbia
JURISDICTION	United States District Court for the District of Columbia
DECIDED	April 16, 2026
DOCKET	Criminal No. 95-0088 (PLF); Civil Action No. 16-1291 (PLF)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant sought relief under 28 U.S.C. § 2255 through an authorized successive motion and four additional pro se motions. The government argued that the additional motions were unauthorized successive motions and untimely. The district court treated the pro se motions as timely amendments to the authorized motion.
STANDARD OF REVIEW	The opinion applies the statutory standards governing § 2255 relief, the one-year limitations period under § 2255(f), authorization of successive motions under § 2255(h), and the district court's discretion under Federal Rule of Civil Procedure 15(a).
PRECEDENTIAL VALUE	Published district court opinion; persuasive authority within the District of Columbia but not binding on the D.C. Circuit.

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- appellate procedure
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Cunningham's four pro se § 2255 motions could be treated as amendments to the D.C. Circuit-authorized successive § 2255 motion.
2. Whether the judgment of conviction had become final for purposes of the one-year limitations period in 28 U.S.C. § 2255(f) despite the unresolved remand for resentencing.
3. Whether a remand for resentencing that leaves the district court discretion to consider sentencing issues is substantive rather than ministerial for purposes of § 2255 finality.

HOLDINGS

1. A judgment of conviction is not final for purposes of the § 2255(f) limitations period where the court of appeals remanded for resentencing and the district court retained authority to consider discretionary sentencing issues and newly relevant arguments or facts.
2. The district court may treat Cunningham's four pro se motions as timely amendments to his authorized § 2255 motion under Rule 15(a), because the § 2255(f) limitations period had not yet begun to run.

KEY QUOTATIONS

“Because the Court has not yet used that authority in resentencing Mr. Cunningham, his judgment of conviction is not yet final.” (at 10)

“His pro se motions therefore are not time-barred. See 28 U.S.C. § 2255(f). Exercising its discretion under Rule 15(a), the Court will treat Mr. Cunningham’s pro se motions as timely amendments to his Section 924(c) Motion.” (at 10-11)

FACTUAL BACKGROUND

In 1993, Harold Cunningham and two codefendants committed a series of armed robberies, assaults, and murders. Cunningham was charged in a sixty-eight-count indictment in 1995, represented himself at trial with appointed standby counsel, and was convicted on most counts after a lengthy trial. He was sentenced to an aggregate term of 465 years to life. On direct appeal, the D.C. Circuit affirmed the convictions but held that some convictions should have been merged for sentencing purposes and remanded for resentencing, which had not occurred by the time of this opinion.

PROCEDURAL HISTORY

Cunningham was convicted after a 1996 jury trial and sentenced in 1997. The D.C. Circuit affirmed his convictions in 1998 but remanded for resentencing because certain convictions should have merged; resentencing had not occurred. Cunningham's initial § 2255 motion was denied in 2002. In 2016, the D.C. Circuit authorized a successive § 2255 motion based on *Johnson v. United States*, after which Cunningham filed four additional motions. The district court concluded that the judgment was not yet final because resentencing remained pending and treated the additional motions as timely amendments under Rule 15(a).

DISPOSITION

other

CASES CITED

- United States v. Cunningham, 145 F.3d 1385 (D.C. Cir. 1998)
- Johnson v. United States, 576 U.S. 591 (2015)
- United States v. Clark, 382 F. Supp. 3d 1, 27 (D.D.C. 2019)
- Daniels v. United States, 532 U.S. 374, 381-82 (2001)
- United States v. Cross, 256 F. Supp. 3d 46, 47 (D.D.C. 2017)
- United States v. Palmer, 854 F.3d 39, 49 (D.C. Cir. 2017)
- United States v. Farley, Criminal No. 08-0118 (PLF), 2018 WL 4804691, at *5-6 (D.D.C. Oct. 4, 2018)
- Ching v. United States, 298 F.3d 174, 177 (2d Cir. 2002)
- United States v. Hicks, 283 F.3d 380, 386, 388 (D.C. Cir. 2002)
- Reyes v. United States, 998 F.3d 753, 761 (7th Cir. 2021)
- United States v. MacDonald, 641 F.3d 596, 615-17 (4th Cir. 2011)
- United States v. Ragland, 168 F.4th 1345, 1352-53 (11th Cir. 2026)
- Mayle v. Felix, 545 U.S. 644, 650 (2005)
- United States v. Benbow, Criminal No. 10-0051 (PLF), 2021 WL 3268384, at *9 (D.D.C. July 30, 2021)
- Gonzalez v. United States, 792 F.3d 232, 236, 238 (2d Cir. 2015)
- Woodfolk v. Maynard, 857 F.3d 531, 542-43 (4th Cir. 2017)
- United States v. LaFromboise, 427 F.3d 680, 683 (9th Cir. 2005)
- Burrell v. United States, 467 F.3d 160, 161, 164, 166 (2d Cir. 2006)
- United States v. Dodson, 291 F.3d 268, 275-76 (4th Cir. 2002)
- United States v. Miller, 35 F.4th 807, 813, 815 (D.C. Cir. 2022)
- United States v. Whren, 11 F.3d 956, 960 (D.C. Cir. 1993)
- Burton v. Stewart, 549 U.S. 147, 156-57 (2007)
- United States v. Ashton, 961 F. Supp. 2d 7, 10, 12 (D.D.C. 2013)
- Richardson v. United States, 193 F.3d 545, 548 (D.C. Cir. 1999)
- Womack v. United States, 395 F.2d 630, 631 (D.C. Cir. 1968) (per curiam)