

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Scotty D. Brown v. Karen Arnold

Brown · No. 2:25-cv-00444-MKD · Decided February 13, 2026

SUMMARY

The United States District Court for the Eastern District of Washington dismissed Scotty D. Brown’s habeas corpus petition as time-barred under 28 U.S.C. § 2244(d). The court held that Brown failed to demonstrate due diligence or extraordinary circumstances warranting equitable tolling and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Mary K. Dimke
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	February 13, 2026
DOCKET	2:25-cv-00444-MKD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief under 28 U.S.C. § 2254. After directing Petitioner to show cause why the petition should not be dismissed as untimely, the court construed his filing as a response and dismissed the action with prejudice.
STANDARD OF REVIEW	The court reviewed whether the habeas petition was timely under the AEDPA statute of limitations and whether Petitioner had demonstrated circumstances warranting equitable tolling.
PRECEDENTIAL VALUE	unknown
PARTIES	Scotty D. Brown v. Karen Arnold

TOPICS

- federal habeas corpus
- statute of limitations
- post-conviction relief
- appellate procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the federal habeas petition challenging Petitioner's 2011 conviction was timely under 28 U.S.C. § 2244(d).
2. Whether Petitioner's asserted lack of legal knowledge, lack of legal assistance, and counsel's alleged failure to advise him about the appeal deadline constituted extraordinary circumstances warranting equitable tolling.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. The petition was untimely under the applicable AEDPA limitation period, and Petitioner failed to demonstrate facts showing that it was timely filed.
2. A petitioner's lack of legal sophistication, legal training, legal assistance, or knowledge of the law, without more, does not constitute an extraordinary circumstance warranting equitable tolling of the AEDPA limitation period.
3. No certificate of appealability should issue because an appeal could not be taken in good faith and there was no basis for issuing a certificate.

KEY QUOTATIONS

“A lack of legal sophistication, a lack of legal training, a lack of legal assistance, and ignore of the law do not constitute an “extraordinary circumstance” entitling Petitioner to any equitable tolling of the limitation period.” (Order at 3)

FACTUAL BACKGROUND

Petitioner pleaded guilty in April 2011 and was sentenced in connection with a conviction challenged in the federal habeas petition. He alleged that counsel failed to inform him of the deadline for filing a notice of appeal and had inaccurately assured him that his sentence would run concurrently with a federal sentence. He sent a letter expressing a desire to appeal in January 2012, but identified no further efforts to pursue a direct appeal or timely state collateral review. He filed the federal habeas petition years later.

PROCEDURAL HISTORY

Brown filed a petition for writ of habeas corpus challenging his 2011 conviction and paid the filing fee. The court ordered him to show cause why the petition should not be dismissed as time-barred under 28 U.S.C. § 2244(d), later extending the deadline. After reviewing his response and attachments, the court found that he had not shown that the petition was timely or that equitable tolling applied, dismissed the petition with prejudice, denied a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006)

OPINION

1 2 FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 3 Feb
13, 2026 4 SEAN F. MCAVOY, CLERK 5 UNITED STATES DISTRICT COURT 6 EASTERN
DISTRICT OF WASHINGTON 7 8 SCOTTY D. BROWN, No. 2:25-cv-00444-MKD 9 Petitioner,
ORDER DISMISSING ACTION 10 vs. 11 KAREN ARNOLD, 12 Respondent. 13 14 15 By
Order filed December 9, 2025, the Court directed Petitioner, an individual 16 incarcerated at the
Stafford Creek Correction Center in Aberdeen, Washington, to 17 show cause why his petition for
writ of habeas corpus should not be dismissed as 18 time-barred under 28 U.S.C. § 2244(d).

ECF No. 4. Petitioner has paid the \$5 filing 19 fee. Respondent has not been served. 20 1 On
January 12, 2026, the Court extended the deadline to show cause until 2 February 11, 2026. ECF
No. 6. On February 12, 2026, the Court received 3 Petitioner's "Motion to Show Cause," which is
construed as Petitioner's Response to 4 the Order to Show Cause. ECF No. 7.

After careful review of his submissions, the 5 Court finds that Petitioner has failed to demonstrate
that his federal habeas corpus 6 petition challenging his 2011 conviction was timely filed. 7
Petitioner argues that he was "effectively denied his right to direct review[.]" 8 ECF No. 7 at 1. He
asserts that his attorney failed to inform him of the time to file a 9 Notice of Appeal.

Id. at 1-2. Although Petitioner contends that he "exercised due 10 diligence within his scope of
knowledge and ability[.]" he has provided no facts 11 from which the Court could infer the
exercise of due diligence since his conviction 12 and sentence in 2011. He asks the Court for "the
opportunity to file a direct appeal 13 in State Court, before proceeding further, this [sic] allowing
legitimate exhaustion of 14 state remedies as required." Id. at 2-3.

15 As attachments, Petitioner includes a letter written while he was incarcerated 16 in Texas on
January 13, 2012, addressed to an Okanogan County Superior Court 17 judge, and filed on
January 23, 2012, asserting his desire to appeal. Id. at 5.

On 18 May 17, 2012, the Bailiff of that Court directed the Deputy Prosecutor and an 19 attorney to
reply to the letter. Id. at 6. Petitioner presents no facts indicating he 20 pursued the matter further
in 2012. 1 Petitioner includes a declaration of his attorney dated June 14, 2011, 2 indicating
Petitioner entered a plea of guilty in April 2011, based on inaccurate 3 assurances from counsel
that his sentence would run concurrently with a federal 4 sentence.

Id. at 8. Petitioner does not state what additional steps he took to perfect a 5 direct appeal or to
obtain timely state collateral review. Petitioner was clearly aware 6 of the consecutive nature of his
sentence when it was imposed in 2011. 7 A lack of legal sophistication, a lack of legal training, a

lack of legal assistance, and ignore of the law do not constitute an “extraordinary circumstance” entitling Petitioner to any equitable tolling of the limitation period.

Rasberry v. Garcia, 448 F.3d 1150, 1154 (9th Cir. 2006) (holding that “a pro se petitioner’s lack of legal sophistication is not, by itself, an extraordinary circumstance warranting equitable tolling” of the AEDPA limitations period). Accordingly, IT IS ORDERED: 1.

The Petition for Writ of Habeas Corpus, ECF No. 1, is DISMISSED with prejudice as time barred under 28 U.S.C. § 2244(d). 2. The Court certifies that any appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore DENIED.

1 IT IS SO ORDERED. The Clerk’s Office shall file this Order, enter judgment, provide a copy to Petitioner, and CLOSE THE FILE. 3 DATED February 13, 2026. 4 s/Mary K. Dimke 5 MARY K. DIMKE UNITED STATES DISTRICT JUDGE 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20