

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

OPINION

Brown

PER CURIAM.

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FILED IN THE

U.S. DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

3 Feb 13, 2026

4 SEAN F. MCAVOY, CLERK

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UNITED STATES DISTRICT COURT

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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 8 assistance, and ignore of the law do not constitute an “extraordinary circumstance” 9 entitling Petitioner to any equitable tolling of the limitation period. *Rasberry v. 10 Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006) (holding that “a pro se petitioner's lack 11 of legal sophistication is not, by itself, an extraordinary circumstance warranting 12 equitable tolling” of the AEDPA limitations period). 13 Accordingly, IT IS ORDERED: 14 1. The Petition for Writ of Habeas Corpus, ECF No. 1, is DISMISSED 15 with prejudice as time barred under 28 U.S.C. § 2244(d). 16 2. The Court certifies that any appeal from this decision could not be 17 taken in good faith, and there is no basis upon which to issue a certificate of 18 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of 19 appealability is therefore DENIED. 20 1 IT IS SO ORDERED. The Clerk’s Office shall file this Order, enter 2 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

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