

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Long v. Jennings

Long · No. 3:26-cv-00069-DWD · Decided May 26, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Timothy W. Long’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254 as untimely under the AEDPA’s one-year statute of limitations. The court rejected equitable tolling because the petition did not establish extraordinary circumstances or diligent pursuit of the claims. The court dismissed the petition with prejudice and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 26, 2026
DOCKET	3:26-cv-00069-DWD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from an Illinois conviction. On preliminary review under Rule 4, the district court dismissed the amended petition with prejudice as untimely and denied a certificate of appealability.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing Section 2254 Cases; the court must dismiss if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order with no reporter citation or stated precedential designation.
PARTIES	Timothy W. Long v. Warden Jennings

TOPICS

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

PRACTICE AREAS

federal habeas corpus

post-conviction relief

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Long's amended petition under 28 U.S.C. § 2254 was barred by the applicable one-year statute of limitations.
2. Whether Long established grounds for equitable tolling based on delayed mail delivery and medical problems.
3. Whether a certificate of appealability should issue from the dismissal of the § 2254 petition.

HOLDINGS

1. The amended petition was untimely because the period between the affirmance of Long's conviction and the filing of his first state post-conviction petition, combined with the period between dismissal of that petition and filing of the second petition, exceeded the one-year limitations period under 28 U.S.C. § 2244(d).
2. Long was not entitled to equitable tolling because the alleged delayed ruling and medical issues occurred after the limitations period had already expired, and he failed to show extraordinary circumstances preventing timely filing or diligent pursuit of his claims.
3. A certificate of appealability should not issue because Long failed to make a substantial showing of the denial of a constitutional right and had no basis to show that the court's timeliness ruling was debatable or incorrect.

KEY QUOTATIONS

"Before the principles of equitable tolling apply, a petitioner must demonstrate, first, that extraordinary circumstances outside of his control and through no fault of his own prevented him from timely filing his petition. Second, he must show that he has diligently pursued his claim, despite this obstacle."

"As such, Petitioner's challenge to his state judgment via this § 2254 petition is untimely on its face."

FACTUAL BACKGROUND

Long was convicted following a jury trial of conspiracy related to manufacturing methamphetamine. The Illinois Appellate Court affirmed his conviction on August 22, 2018, and he did not appeal to the Illinois Supreme Court. He filed two state post-conviction petitions, but the time elapsed before and after the first petition, together with the delay before the second petition, exceeded the one-year federal habeas limitations period. Long cited delayed receipt of a ruling and medical problems beginning in November 2023 as grounds for equitable tolling, but those events occurred after the federal limitations period had expired.

PROCEDURAL HISTORY

Long was convicted by an Illinois jury of conspiracy related to the manufacture of methamphetamine on May 12, 2015. The Illinois Appellate Court for the Fourth District affirmed on August 22, 2018, and Long did not

seek review in the Illinois Supreme Court. He filed two state post-conviction petitions, the first in August 2019 and the second on February 3, 2021. After his initial federal § 2254 petition was dismissed without prejudice for failure to comply with the governing rules, he filed the amended petition on April 2, 2026. The district court dismissed it with prejudice as untimely and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Tucker v. Kingston, 538 F.3d 732, 734-35 (7th Cir. 2008)
- State of Illinois v. Long, Case No. 2014-CF-43 (Eighth Judicial Circuit, Calhoun County, Illinois)

OPINION

Long
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
TIMOTHY W. LONG,)
)
PETITIONER,)
) vs.) Case No. 3:26-cv-00069-DWD)
WARDEN JENNINGS,)
)
RESPONDENT.)
MEMORANDUM & ORDER

DUGAN, District Judge: Petitioner Timothy Long, an inmate at Robinson Correction Center, filed an Amended Petition for a Writ of Habeas Corpus (Doc. 12) under 28 U.S.C. § 2254. Petitioner brings this action to challenge his criminal conviction, alleging it is in violation of the United States Constitution. The Amended Petition is now before the Court for a preliminary review. Rule 4 of the Federal Rules Governing Section 2254 Cases in United States District Courts provides that upon preliminary consideration by a district judge, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” By way of background, Petitioner was convicted of conspiracy related to manufacturing of methamphetamine on May 12, 2015, following a jury trial. (Doc. 12, p. 1); State of Illinois v. Long, Case No. 2014-CF-43 (Eighth Judicial Circuit, Calhoun County, Illinois). On appeal, the Illinois Appellate Court for the Fourth District affirmed Petitioner’s conviction August 22, 2018. (Doc. 12, pg. 2). Petitioner did not appeal to the Illinois Supreme Court. (Doc. 12, pg. 3). Petitioner subsequently filed two post-

conviction petitions. The first was filed in August of 2019 and dismissed on October 21, 2019. (Doc. 12, pgs. 3–4). The second post-conviction petition was filed on February 3, 2021, and later dismissed.¹ (Doc. 12, pg. 4). Petitioner then filed his initial Petition under § 2254 on January 22, 2026. (Doc. 1). His initial Petition was dismissed without prejudice and Petitioner was instructed to file an amended petition that complied with the Rules Governing Section 2254 Cases. (Doc. 11). Petitioner filed the instant Amended Petition on April 2, 2026. (Doc. 12). Petitioner argues that his conviction is in violation of the Constitution on the following grounds: ineffective assistance of counsel, prosecutorial misconduct, coerced and conflicting testimony, actual innocence, and unreasonable assistance of post-conviction counsel. (Doc. 12, pgs. 8–16). 28 U.S.C. § 2254(a) grants federal courts jurisdiction to entertain an application for a writ of habeas corpus on behalf of a person who is in custody pursuant to a judgment of a state court on the ground that the person is in custody in violation of the Constitution or laws or treaties of the United States. The Amended Petition is an attack on Petitioner’s state court judgment of conviction and is governed by the provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”). Under the AEDPA, a one-year 1 Mr. Long’s Amended Petition states that this second post-conviction petition was dismissed on October 21, 2019, which is prior to the date he claims it was filed. The Court will attribute this as an oversight, but the actual date of the second post-conviction’s dismissal is immaterial to the disposition of the Amended Petition, as detailed below. statute of limitations applies for a habeas corpus petition filed pursuant to § 2254. 28 U.S.C. § 2244(d). This section provides as follows: (d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of – (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review; (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action; (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection. 28 U.S.C. § 2244(d)(1)-(2). Petitioner’s state court judgment of conviction became final on August 22, 2018, when the appellate court affirmed his conviction. (Doc. 12, pg. 2). Petitioner did not file his first post-conviction petition until August of 2019, which tolled his deadline under § 2244(d)(2). (Doc. 12, pg. 3). The Amended Petition does not give an exact date of when the initial post-conviction petition was filed, but at least 11 months of Petitioner’s 1-year window passed during this span.

Petitioner's first post-conviction petition was dismissed on October 21, 2019, (Doc. 12, pg. 4), which resumed the clock on whatever time he had remaining to file a petition under § 2254. Petitioner then filed his second post-conviction petition over a year later on February 3, 2021. (Doc. 12, pg. 4). As such, the time between the appellate court's affirmation of his conviction and the filing of his first post-conviction petition, combined with the time between the dismissal of his first post-conviction petition and the filing of his second post-conviction petition, exceeds the one-year statute of limitations applicable to § 2254 petitions. In addressing the timeliness of his petition, Petitioner states that he was delayed in receiving a ruling dated June 3, 2023, for an unidentified case and that he was hospitalized for a surgery and treated for resulting complications starting in November 2023 for an undisclosed period of time. (Doc. 12, pg. 7). This argument is largely underdeveloped but touches on the concept of equitable tolling. However, "[b]efore the principles of equitable tolling apply, a petitioner must demonstrate, first, that extraordinary circumstances outside of his control and through no fault of his own prevented him from timely filing his petition. Second, he must show that he has diligently pursued his claim, despite this obstacle." *Tucker v. Kingston*, 538 F.3d 732, 734 (7th Cir. 2008) (internal citations omitted). The Seventh Circuit has reasoned that "[e]quitable tolling is rarely granted" and "we have yet to identify a petitioner whose circumstances warrant it." See *Id.* (internal citations omitted). Here, as shown, Petitioner's one-year window for filing his § 2254 petition had long expired prior to the delayed mail delivery and medical issues he now raises. The Amended Petition offers nothing to explain the delays in filing his post-conviction petitions that exhausted his time to file a § 2254 petition. As such, Petitioner cannot show extraordinary circumstances that prevented the timely filing of his petition. Nor can he demonstrate that he diligently pursued his claim. See *Tucker*, 538 F.3d at 735 (Petitioner "had the burden to demonstrate his own diligence in pursuing his claim but failed to present any evidence in support of it.") (internal citations omitted). As such, Petitioner's challenge to his state judgment via this § 2254 petition is untimely on its face. Disposition Accordingly, Timothy Long's Amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is DISMISSED, with prejudice, as untimely. A certificate of appealability is required to appeal from the dismissal or denial of a 28 U.S.C. § 2254 petition. See Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c)(1). Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires that, when entering a final order adverse to the petitioner, the district court must issue or deny a certificate of appealability. Here, a certificate of appealability shall NOT be issued. Petitioner has no basis for a determination that the Court's decision is debatable or incorrect because Petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253. Dated: May 26, 2026 CJ

DAVIDW.DUGAN

United States District Judge

