

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
GEORGIA, AUGUSTA DIVISION

James L. Padgett, Jr. v. Warden Teketa Jester

Padgett · No. CV 125-049; 1:25-cv-00049 · Decided January 5, 2026

SUMMARY

A United States magistrate judge issued a Report and Recommendation in a 28 U.S.C. § 2254 habeas proceeding brought by James L. Padgett, Jr. The Court recommends denying the respondent’s motion to dismiss the petition as untimely, concluding that equitable tolling based on lost state-court mail renders the petition timely. The Court also recommends denying the petitioner’s motion for judgment on the pleadings.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Southern District of Georgia, Augusta Division                                                                                                                                                                                                                                                     |
| JURISDICTION       | United States District Court for the Southern District of Georgia, Augusta Division                                                                                                                                                                                                                                                     |
| DECIDED            | January 5, 2026                                                                                                                                                                                                                                                                                                                         |
| DOCKET             | CV 125-049; 1:25-cv-00049                                                                                                                                                                                                                                                                                                               |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE | Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent moved to dismiss the petition as untimely, and Petitioner moved for judgment on the pleadings. A United States Magistrate Judge issued a Report and Recommendation recommending denial of both motions.                               |
| STANDARD OF REVIEW | The Report and Recommendation applied AEDPA's one-year statute of limitations and statutory tolling provisions, the equitable-tolling standard requiring diligent pursuit of rights and an extraordinary circumstance that prevented timely filing, and the standard governing an actual-innocence exception to the limitations period. |
| PRECEDENTIAL VALUE | nonprecedential                                                                                                                                                                                                                                                                                                                         |
| PARTIES            | James L. Padgett, Jr., Petitioner v. Warden Teketa Jester, Baldwin State Prison, Respondent                                                                                                                                                                                                                                             |

## TOPICS

federal habeas corpus   statute of limitations   state post-conviction relief   motion for judgment on the pleadings  
actual innocence

## PRACTICE AREAS

federal habeas corpus   post-conviction relief   appellate procedure   civil procedure

## QUESTIONS PRESENTED

1. Whether the § 2254 petition was barred by AEDPA's one-year statute of limitations under 28 U.S.C. § 2244(d).
2. Whether Petitioner's motion to modify his sentence constituted a properly filed state collateral proceeding that tolled the AEDPA limitations period.
3. Whether Petitioner's improperly filed state habeas appeal nevertheless warranted equitable tolling because he timely mailed the notice of intent to appeal, the notice was lost, and he reasonably relied on the state clerk's instructions.
4. Whether Petitioner established a fundamental miscarriage of justice or actual-innocence exception to the limitations period.
5. Whether Petitioner was entitled to judgment on the pleadings or an evidentiary hearing on the merits.

## HOLDINGS

1. The petition was statutorily untimely because the conviction became final on July 14, 2021, and, after accounting for statutory tolling, the limitations period expired before the federal petition was filed.
2. Petitioner's motion to modify his sentence was a form of collateral review that tolled the AEDPA limitations period while it was pending and through the time for appealing its disposition.
3. Petitioner was entitled to equitable tolling for 321 days because he pursued his rights diligently and the loss of his timely mailed notice of intent to appeal, coupled with his reasonable reliance on the state clerk's instructions, constituted an extraordinary circumstance beyond his control.
4. The fundamental-miscarriage-of-justice or actual-innocence exception does not apply because Petitioner presented no new reliable evidence demonstrating factual innocence.
5. Petitioner's motion for judgment on the pleadings should be denied, and any request for an evidentiary hearing on the merits should also be denied without prejudice because the motion supplied no supporting explanation.

## KEY QUOTATIONS

*“equitable tolling can be applied to prevent application of AEDPA’s statutory deadline, but only if a petitioner ‘shows ‘(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way’ and prevented timely filing.’”* (at 11)

*“Second, the lost notice of intent to appeal was an extraordinary circumstance outside of Petitioner’s control that prevented him from timely appealing the denial of state habeas relief, and in turn, the instant § 2254 habeas petition.” (at 13)*

## FACTUAL BACKGROUND

Petitioner entered an Alford plea in the Superior Court of Wilkes County to theft by deception and forgery in the third degree and received a fifteen-year sentence, with ten years in confinement and the balance on probation. He did not directly appeal, but filed a motion to modify his sentence and later pursued state habeas relief in Monroe County. Although he timely mailed a certificate-of-probable-cause application and a notice of intent to appeal, the notice of intent to appeal was not received by the state habeas court; Petitioner followed up with the clerk and reasonably relied on the clerk's statement that he needed to file nothing further. He filed the federal habeas petition on February 13, 2025.

## PROCEDURAL HISTORY

Petitioner pleaded guilty under North Carolina v. Alford in Georgia state court and received a fifteen-year sentence. He pursued state sentence-modification and state-habeas proceedings, but the Georgia Supreme Court dismissed his habeas appeal because he filed the notice of appeal in the wrong court. Petitioner then filed this federal § 2254 petition. The Magistrate Judge concluded that the petition was statutorily untimely but that equitable tolling rendered it timely, and recommended denial of Respondent's motion to dismiss and Petitioner's motion for judgment on the pleadings.

## DISPOSITION

other

## REMAND INSTRUCTIONS

If the presiding District Judge adopts the Report and Recommendation, the Court will reset the deadline for both parties to submit briefs and necessary exhibits concerning the substantive grounds of the § 2254 petition.

## CASES CITED

- North Carolina v. Alford, 400 U.S. 25 (1970)
- Gonzalez v. Thaler, 565 U.S. 134, 150 (2012)
- Stubbs v. Hall, 840 S.E.2d 407, 412 (Ga. 2020)
- Cramer v. Secretary, Department of Corrections, 461 F.3d 1380, 1383 (11th Cir. 2006)
- Morgan v. Smith, No. 1:20-CV-00134, 2021 WL 11723132, at \*2 (N.D. Ga. July 1, 2021)
- Depaz v. Brown, No. 4:21-CV-0193, 2023 WL 11960633, at \*2 (N.D. Ga. Jan. 13, 2023)
- Wade v. Battle, 379 F.3d 1254, 1262-64 (11th Cir. 2004)
- Clemons v. Commissioner, Alabama Department of Corrections, 967 F.3d 1231, 1240-41 (11th Cir. 2020)
- McQuiggin v. Perkins, 569 U.S. 383, 392, 394-95 (2013)
- Murray v. Carrier, 477 U.S. 478, 495-96 (1986)

- *Rozzelle v. Secretary, Florida Department of Corrections*, 672 F.3d 1000, 1011 (11th Cir. 2012)
- *Ray v. Mitchem*, 272 F. App'x 807, 810-11 (11th Cir. 2008) (per curiam)
- *Bousley v. United States*, 523 U.S. 614, 623 (1998)
- *Holland v. Florida*, 560 U.S. 631, 649, 653 (2010)
- *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005)
- *Lawrence v. Florida*, 549 U.S. 327, 336 (2007)
- *Steed v. Head*, 219 F.3d 1298, 1300 (11th Cir. 2000)
- *Johnson v. United States*, 340 F.3d 1219, 1226 (11th Cir. 2003), *aff'd*, 544 U.S. 295 (2005)
- *Chavez v. Secretary, Florida Department of Corrections*, 647 F.3d 1057, 1072 (11th Cir. 2011)
- *Lugo v. Secretary, Florida Department of Corrections*, 750 F.3d 1198, 1209-10 (11th Cir. 2014)
- *Sandvik v. United States*, 177 F.3d 1269, 1271-72 (11th Cir. 1999) (per curiam)
- *Wade v. Dixon*, No. 3:23CV4079, 2024 WL 3851115, at \*4 n.5 (N.D. Fla. June 20, 2024)
- *Castillo v. Dixon*, No. 20-60797-CIV, 2022 WL 2651623, at \*6 (S.D. Fla. July 8, 2022)
- *Hill v. Jones*, 242 F. App'x 633, 636 (11th Cir. 2007) (per curiam)
- *Dolphy v. Warden, Central State Prison*, 823 F.3d 1342, 1345 (11th Cir. 2016) (per curiam)