

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
GREAT FALLS DIVISION

Daniel Hunter Flansburg v. Warden Jim Salmonsens, Attorney
General of the State of Montana

Flansburg · No. CV 26-259-GF-DWM; 4:26-cv-00259 · Decided May 7, 2026

SUMMARY

The United States District Court for the District of Montana dismissed Daniel Hunter Flansburg’s 28 U.S.C. § 2254 habeas petition without prejudice because his claims had not been exhausted in state court. Flansburg had an active appeal from the denial of his Montana postconviction petition pending before the Montana Supreme Court. The court also denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Montana, Great Falls Division
WRITING FOR THE COURT	Donald W. Molloy
JURISDICTION	United States District Court for the District of Montana, Great Falls Division
DECIDED	May 7, 2026
DOCKET	CV 26-259-GF-DWM; 4:26-cv-00259
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his sentence, presentence credit, and guilty plea. The district court screened the petition and dismissed it without prejudice for failure to exhaust state remedies, denying a certificate of appealability.
STANDARD OF REVIEW	On screening, the court must dismiss a habeas petition if it is legally frivolous, fails to state a basis for relief, or plainly shows from the petition and attached exhibits that the petitioner is not entitled to relief. Under 28 U.S.C. § 2254, the court could not reach the claims because available state remedies had not been exhausted.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value

PARTIES

Daniel Hunter Flansburg v. Warden Jim Salmonsens, Attorney General of the State of Montana

TOPICS

federal habeas corpus

state post-conviction relief

comity

appellate procedure

procedural due process

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

constitutional law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the federal court could consider Flansburg's § 2254 claims when his state post-conviction proceedings and appeal remained pending.
2. Whether a certificate of appealability should issue from the dismissal of the unexhausted petition.

HOLDINGS

1. A federal court may not grant habeas relief on claims arising from a state-court judgment until the petitioner has exhausted available state remedies, including presenting the federal claims to the state courts through procedurally appropriate appellate review. Because Flansburg's state post-conviction appeal was pending and the Montana Supreme Court had not yet considered his claims, the petition was unexhausted and had to be dismissed without prejudice.
2. A certificate of appealability is denied because Flansburg made no substantial showing of the denial of a constitutional right and reasonable jurists would not debate the court's procedural ruling that the petition was unexhausted.

KEY QUOTATIONS

“The exhaustion-of-state-remedies doctrine, now codified at 28 U.S.C. §§ 2254(b) and (c), reflects a policy of federal-state comity, an accommodation of our federal system designed to give the State an initial opportunity to pass upon and correct alleged violations of its prisoners’ federal rights.”

“To the extent Flansburg has cognizable federal claims under 28 U.S.C. §2254, he must first present these same claims to the state courts, including the Montana Supreme Court, in a procedurally appropriate manner and give them one full opportunity to review his federal constitutional claims.”

FACTUAL BACKGROUND

Flansburg received a ten-year prison sentence in Montana's Eighth Judicial District, Cascade County, in April 2022, to run consecutively to a Yellowstone County sentence he was already serving. He claimed entitlement to approximately 500 additional days of credit for time served and alleged that inaccurate advice concerning a persistent-felony-offender designation affected his decision to plead guilty. His appeal from the denial of a state post-conviction petition raising apparently similar claims remained pending before the Montana Supreme Court.

PROCEDURAL HISTORY

Flansburg was sentenced in Montana's Eighth Judicial District Court for Cascade County in April 2022 and later filed a state post-conviction petition. At the time of the federal filing, his appeal from the denial of that state post-conviction petition was pending before the Montana Supreme Court, and the state court had not yet considered the federal claims at issue. The federal district court dismissed the § 2254 petition without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Baldwin v. Reese, 541 U.S. 27, 29 (2004)
- Picard v. Connor, 404 U.S. 270, 275 (1971)
- O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Davis v. Silva, 511 F.3d 1005, 1009 (9th Cir. 2008)
- Gray v. Netherland, 518 U.S. 152, 162-63 (1996)
- Castillo v. McFadden, 399 F.3d 993, 999 (9th Cir. 2005), cert. denied, 546 U.S. 818 (2005)
- Tigueros v. Adams, 658 F.3d 983, 987 (9th Cir. 2011)
- Rose v. Lundy, 455 U.S. 509 (1982)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Gonzalez v. Thaler, 132 S. Ct. 641, 648 (2012)