

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Juan Hernandez v. Mr. Zakan, Superintendent, and District Attorney
Allegheny County

Hernandez · No. 2:23-cv-0747 · Decided April 8, 2026

SUMMARY

The United States Magistrate Judge recommends dismissal with prejudice of Juan Hernandez’s 28 U.S.C. § 2254 habeas petition as procedurally defaulted. The recommendation concludes that Hernandez did not present his claims to Pennsylvania state courts and that no basis exists to excuse the default. It also recommends denying a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Christopher B. Brown, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	April 8, 2026
DOCKET	2:23-cv-0747
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendation on a pro se state prisoner's petition for a writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge recommended dismissal with prejudice for procedural default and denial of a certificate of appealability.
STANDARD OF REVIEW	Federal habeas review is unavailable for procedurally defaulted claims unless the petitioner demonstrates cause and actual prejudice or establishes that failure to consider the claims would result in a fundamental miscarriage of justice. A certificate of appealability requires a substantial showing of the denial of a constitutional right.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juan Hernandez v. Mr. Zakan, Superintendent, District Attorney Allegheny County

TOPICS

federal habeas corpus

post-conviction relief

procedural due process

ineffective assistance

criminal procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Hernandez's federal habeas claims were procedurally defaulted because he failed to present them to the Pennsylvania courts and the time for seeking state collateral relief had expired.
2. Whether Hernandez established cause and prejudice or a fundamental miscarriage of justice sufficient to excuse the procedural default.
3. Whether Hernandez was entitled to a certificate of appealability.

HOLDINGS

1. When a habeas claim has not been fairly presented to the state courts and state procedural rules now bar further state review, the exhaustion requirement is satisfied by the absence of an available state corrective process, but the claim is procedurally defaulted.
2. A federal court may not consider procedurally defaulted claims unless the petitioner demonstrates cause and actual prejudice or shows that failure to consider the claims would result in a fundamental miscarriage of justice.
3. A certificate of appealability should be denied because reasonable jurists would not debate that the petition's claims were procedurally defaulted and no basis for excusing the default was shown.

KEY QUOTATIONS

“When a claim is not exhausted because it has not been ‘fairly presented’ to the state courts, but state procedural rules bar the applicant from seeking further relief in state courts, the exhaustion requirement is satisfied because there is ‘an absence of available State corrective process.’” (II.B)

“the petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed with prejudice as procedurally defaulted” (Conclusion)

FACTUAL BACKGROUND

Hernandez pleaded guilty on July 19, 2022, to aggravated assault and recklessly endangering another person in the Court of Common Pleas of Allegheny County. He was sentenced to three to eight years' imprisonment on December 5, 2022, and his post-sentence motion was denied on March 13, 2023. He filed no direct appeal or PCRA petition before filing his federal habeas petition, which asserted claims apparently involving ineffective assistance of counsel.

PROCEDURAL HISTORY

Hernandez pleaded guilty in the Court of Common Pleas of Allegheny County and was sentenced to three to eight years' imprisonment. He filed a federal § 2254 petition without pursuing a direct appeal or Pennsylvania Post Conviction Relief Act proceedings. Respondents answered, arguing that the claims were unexhausted and, alternatively, meritless. Because the time for seeking state collateral relief had expired, the magistrate judge concluded that the claims were procedurally defaulted and issued this Report and Recommendation.

DISPOSITION

other

CASES CITED

- O'Sullivan v. Boerckel, 526 U.S. 838, 842 (1999)
- Lambert v. Blackwell, 387 F.3d 210, 233 (3d Cir. 2004)
- Coleman v. Thompson, 501 U.S. 722, 750 (1991)
- Martinez v. Ryan, 566 U.S. 1 (2012)
- McCandless v. Vaughn, 172 F.3d 255, 260 (3d Cir. 1999)
- Murray v. Carter, 477 U.S. 478, 488 (1986)
- Banister v. Davis, 590 U.S. 504, 514 (2020)
- Lockhart v. Fretwell, 506 U.S. 364, 366 (1993)
- Reeves v. Fayette SCI, 897 F.3d 154, 160 (3d Cir. 2018)
- Brightwell v. Lehman, 637 F.3d 187, 193 n.7 (3d Cir. 2011)
- Siers v. Morrash, 700 F.2d 113, 116 (3d Cir. 1983)
- Equal Employment Opportunity Commission v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017)

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