

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Glenn H. Stephens, III v. Denise Dieter, Magisterial District Judge, et al.

Civil Action No. 3:25-337 (M.D. Pa. Mar. 25, 2026) · No. 3:25-337; 3:25-cv-00337 · Decided March 25, 2026

SUMMARY

This memorandum addresses a pro se state pretrial detainee’s applications and motions in a Section 2241 habeas action challenging his Lycoming County, Pennsylvania criminal proceedings and bail. The court grants in forma pauperis status, denies or deems withdrawn various motions, strikes the purported notice of removal, and dismisses the amended habeas petition without prejudice. The court also declines to issue a certificate of appealability and directs closure of the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Malachy E. Mannion
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 25, 2026
DOCKET	3:25-337; 3:25-cv-00337
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state pretrial detainee filed an in forma pauperis application, a Section 2241 habeas petition and amended petition, motions for preliminary injunctive relief, mandamus relief, a stay, mediation, and summary judgment, and a purported notice of removal of his pending state criminal case. The district court granted in forma pauperis status, withdrew or denied the various motions, struck the notice of removal, dismissed the amended Section 2241 petition without prejudice for failure to exhaust state remedies, declined to issue a certificate of appealability, and closed the case.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, applied to Section 2241 petitions through Rule 1(b), the court may summarily dismiss a habeas petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. Removal

	notices under 28 U.S.C. § 1455(b)(5) are promptly examined and summarily remanded when removal is facially impermissible.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential
PARTIES	Glenn H. Stephens, III v. Denise Dieter, Magisterial District Judge, et al.

TOPICS

federal habeas corpus

criminal procedure

bail

federalism

summary judgment

PRACTICE AREAS

federal habeas corpus

criminal procedure

civil procedure

constitutional law

federalism

QUESTIONS PRESENTED

1. Whether Stephens was entitled to proceed in forma pauperis.
2. Whether Stephens's Section 2241 petition should be dismissed because he had not exhausted available state-court remedies.
3. Whether extraordinary circumstances permitted federal pretrial habeas intervention despite the absence of exhaustion.
4. Whether Stephens could remove his pending state criminal prosecution into an existing federal Section 2241 civil action.
5. Whether Stephens's motions for preliminary injunctive relief, mandamus relief, a stay, expedited mediation, and summary judgment should be granted.
6. Whether a certificate of appealability should issue.

HOLDINGS

1. A state pretrial detainee pursuing Section 2241 habeas relief must exhaust available state-court remedies before the federal court may consider the merits of the claims.
2. Internal prison requests and prison grievances do not satisfy the state-court exhaustion requirement for a Section 2241 habeas petition.
3. Stephens did not establish extraordinary circumstances, futility, or the unavailability or ineffectiveness of state remedies sufficient to excuse exhaustion.
4. A state criminal defendant may not remove a criminal prosecution into an existing federal civil habeas action, and Stephens's purported notice of removal was improper and ineffective.
5. Stephens's motion for summary judgment was properly denied because such a motion was unnecessary and premature before respondents were directed to respond to the habeas petition.
6. No certificate of appealability should issue because reasonable jurists would not debate the procedural dismissal for failure to exhaust or the absence of extraordinary circumstances.

KEY QUOTATIONS

“Accordingly, a Section 2241 habeas petitioner must have exhausted their state-court remedies regarding their claims before the federal court can consider their merits.” (at 24-25)

“Therefore, Stephens’s futility argument is meritless.” (at 29)

FACTUAL BACKGROUND

Stephens was charged in Lycoming County with attempted theft by extortion, stalking, and harassment. His bail was revoked and increased to \$25,000, and he was detained in the Lycoming County Prison while his state criminal case remained pending. He alleged that his prosecution and detention were retaliatory and challenged his bail, arrest, imprisonment, and related state proceedings in federal court.

PROCEDURAL HISTORY

Stephens was facing unresolved criminal charges in the Lycoming County Court of Common Pleas and was detained after his bail was revoked and increased. He initiated this federal action seeking release, a stay or injunction of the state proceedings, and other relief. The district court construed his later completed Section 2241 form as an amended petition, concluded that he had not exhausted available state-court remedies and had not shown extraordinary circumstances excusing exhaustion, and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Commonwealth v. Stephens, No. CP-41-CR-1498-2024 (Lycoming Cnty. Ct. Com. Pl.)
- Orabi v. Attorney General of the United States, 738 F.3d 535, 537 n.1 (3d Cir. 2014)
- Mickell v. Lycoming County Central Collections Office & Administration, 821 F. App'x 74, 75 (3d Cir. 2020)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Deutsch v. United States, 67 F.3d 1080, 1084 (3d Cir. 1995)
- Douris v. Middletown Township, 293 F. App'x 130, 131-32 & n.1 (3d Cir. 2008)
- In re Gorbey, 833 F. App'x 371, 372 (3d Cir. 2021)
- Bowers v. U.S. Parole Commission, Warden, 760 F.3d 1177, 1183 n.8 (11th Cir. 2014)
- McFarland v. Scott, 512 U.S. 849, 856 (1994)
- Moore v. DeYoung, 515 F.2d 437, 441-45, 447-48 (3d Cir. 1975)
- Duran v. Thomas, 393 F. App'x 3, 4 (3d Cir. 2010)
- Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 489 (1973)
- Evans v. Court of Common Pleas of Delaware County, Pennsylvania, 959 F.2d 1227, 1234 (3d Cir. 1992)
- Temple University Hospital, Inc. v. Secretary U.S. Department of Health & Human Services, 2 F.4th 121, 132 (3d Cir. 2021)
- Brandt v. Gooding, 636 F.3d 124, 132 (4th Cir. 2011)

- Clark v. Johnson, 202 F.3d 760, 764-65 (5th Cir. 2000)
- McBride v. Sharpe, 25 F.3d 962, 969 (11th Cir. 1994)
- Black v. Carpenter, 866 F.3d 734, 742-43 (6th Cir. 2017)
- Stinson v. Wakefield, No. 07-cv-1237, 2010 WL 1462536, at *1 (M.D. Pa. Apr. 9, 2010)
- Meade v. Spaulding, No. 16-cv-2212, 2017 WL 3425181, at *2 (M.D. Pa. Aug. 9, 2017)
- Levack v. Burton, No. 16-cv-125, 2018 WL 11648114, at *2 (W.D. Mich. Feb. 2, 2018)
- Scott v. FCI Fairton, No. 09-cv-929, 2010 WL 2540456, at *3 (D.N.J. June 16, 2010), *aff'd*, 407 F. App'x 612 (3d Cir. 2011)
- New York v. Milchamot, No. 24-cv-9296, 2024 WL 5119327, at *2 (S.D.N.Y. Dec. 16, 2024)
- Sabino v. Port Authority Police Department, No. 21-cv-5731, 2022 WL 2441021, at *1 (S.D.N.Y. July 5, 2022)
- Brown v. Jevic, 575 F.3d 322, 326 (3d Cir. 2009)
- Vogt v. Weizel, 8 F.4th 182, 185 (3d Cir. 2021)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Younger v. Harris, 401 U.S. 37, 44 (1971)
- Lazardis v. Wehmer, 591 F.3d 666, 670 & n.4 (3d Cir. 2010)
- Addiction Specialists, Inc. v. Township of Hampton, 411 F.3d 399, 408 (3d Cir. 2005)
- Schall v. Joyce, 885 F.2d 101, 106 (3d Cir. 1989)
- O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Brown v. Cuyler, 669 F.2d 155, 158 (3d Cir. 1982) (*per curiam*)
- Lambert v. Blackwell, 134 F.3d 506, 513 (3d Cir. 1997)
- Battle v. Eagleton, No. 07-cv-1841, 2008 WL 2952349, at *5 n.3 (D.S.C. July 28, 2008), *aff'd*, 308 F. App'x 692 (4th Cir. 2009)
- Cuevas v. Pennsylvania, No. 19-cv-1733, 2020 WL 1911511, at *3 (M.D. Pa. Apr. 20, 2020)
- Callwood v. Enos, 230 F.3d 627, 634 (3d Cir. 2000)
- Reese v. Pennsylvania, No. 19-cv-775, 2019 WL 5746276, at *1 (W.D. Pa. Nov. 5, 2019)
- Harris v. Pike County Correctional Facility, No. 20-cv-962, 2021 WL 880477, at *3 (M.D. Pa. Mar. 9, 2021)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Burley v. Superintendent Forest SCI, No. 22-2719, 2023 WL 2560361, at *1 (3d Cir. Feb. 3, 2023)

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