

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Freddie Lee Holmes III v. State of Texas

Holmes v. State of Texas · No. 4:26-CV-00265 · Decided February 6, 2026

SUMMARY

The United States District Court for the Southern District of Texas dismissed Freddie Lee Holmes III’s pretrial habeas petition under 28 U.S.C. § 2241. The court found his sovereign-citizen jurisdictional theory frivolous and held alternatively that he had not exhausted available Texas state remedies; it denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Andrew S. Hanen
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	February 6, 2026
DOCKET	4:26-CV-00265
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner, a Texas pretrial defendant, sought federal habeas relief under 28 U.S.C. § 2241, challenging the state court’s jurisdiction based on a sovereign-citizen theory.
STANDARD OF REVIEW	The court reviewed the habeas pleadings under 28 U.S.C. § 2241 and determined whether the petition presented a cognizable and nonfrivolous federal claim and whether available state remedies had been exhausted.
PRECEDENTIAL VALUE	unpublished district court decision; generally nonprecedential
PARTIES	Freddie Lee Holmes III v. State of Texas

TOPICS

- federal habeas corpus
- habeas corpus
- criminal procedure
- state post-conviction relief

PRACTICE AREAS

federal habeas corpus

criminal procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether a pretrial state criminal defendant may obtain federal habeas relief under 28 U.S.C. § 2241 based on a sovereign-citizen theory that he is not subject to Texas law or state-court jurisdiction.
2. Whether the petition was subject to dismissal because Holmes had not exhausted available state-court remedies.

HOLDINGS

1. A sovereign-citizen-type claim that a person is exempt from state laws and prosecution because he is a natural person who did not consent to governmental jurisdiction is frivolous and has no validity in American law.
2. A state criminal defendant awaiting trial who seeks federal habeas relief under 28 U.S.C. § 2241 must exhaust available state remedies, and Holmes's failure to do so required dismissal.

KEY QUOTATIONS

“has no conceivable validity in American law.” (2/4)

“A state criminal defendant awaiting trial may seek a federal writ of habeas corpus under § 2241 only if the following two prerequisites are met: (1) the petitioner must be in custody for purposes of § 2241(c); and (2) the petitioner must have exhausted available state remedies.” (2/4)

FACTUAL BACKGROUND

Holmes was out on bond awaiting trial in Brazos County on two misdemeanor drug-possession charges. He alleged that a traffic stop for lack of insurance led to a warrantless vehicle search and the discovery of marijuana and pills believed to be fentanyl or methamphetamine. His federal petition, however, principally argued that Texas lacked jurisdiction over him because he was a natural person who had not consented to a contractual relationship with the government.

PROCEDURAL HISTORY

Holmes was awaiting trial on two misdemeanor drug charges in Brazos County while out on bond. He filed a federal habeas petition without first seeking or exhausting available habeas remedies in the Texas courts. The district court dismissed the petition as frivolous and, alternatively, for failure to exhaust state remedies, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Schneider, 910 F.2d 1569, 1570 (7th Cir. 1990)
- Berman v. Stephens, Civil No. 4:14-860, 2015 WL 3622694, at *2 (N.D. Tex. June 10, 2015)
- Dickerson v. Louisiana, 816 F.2d 220, 224 (5th Cir. 1987)
- Braden v. 30th Judicial Circuit Court of Kentucky, 93 S. Ct. 1123, 1126-27 (1973)
- Ex parte Twyman, 716 S.W.2d 951, 952 (Tex. Crim. App. 1986)
- Ex parte Payne, 618 S.W.2d 380, 382 n.5 (Tex. Crim. App. 1981)

OPINION

Southern District of Texas ENTERED UNITED STATES DISTRICT COURT ☐☐☐ SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION FREDDIE LEE HOLMES III, § § Petitioner, § VS. CIVIL ACTION NO. 4:26-CV-00265 STATE OF TEXAS, Respondent. MEMORANDUM AND ORDER OF DISMISSAL Petitioner Freddie Lee Holmes, III is a pre-trial defendant facing misdemeanor charges in Brazos County. See Doc.

No. 1. He has filed a petition for habeas corpus to challenge the state court's jurisdiction over him. /d. After reviewing the pleadings and the applicable law, the Court concludes that the petition must be dismissed without prejudice for reasons set forth below.

I. BACKGROUND According to the pleadings and public records, Holmes is out on bond awaiting trial for two misdemeanor drug charges. Holmes states that he was pulled over for lacking insurance on his vehicle. He claims that the officer who approached his vehicle stated that he smelled marijuana and then conducted a search of his car without his consent. He alleges that the officer claimed to find marijuana and five pills that the officer thought could be fentanyl or methamphetamine.

He was charged with possession of both substances. 1/4 Holmes seeks habeas relief, alleging that the state does not have jurisdiction over him because he is "not a corporate entity, not a U.S. citizen, person, individual, or any other legal fiction or debtor" but that he is "a natural-born, private, living being standing under divine and natural law." Doc. No. 1-1 at 2.

As such, he claims that he is "not subject to any codes, statutes, policies, or corporate regulations of municipal, state, or federal entities unless I voluntarily contract into such jurisdiction." Jd. He claims that Brazos County has no jurisdiction to prosecute him because he has never consented to contract with any municipality or other government. II. DISCUSSION This case is frivolous because Holmes seeks to avoid prosecution through a meritless legal theory.

Holmes is attempting to challenge his upcoming prosecution based on a sovereign citizen-type claim, which "has no conceivable validity in American law." United States v. Schneider, 910 F.2d 1569, 1570 (7th Cir. 1990); see also Berman v. Stephens, Civil No. 4:14-860, 2015 WL 3622694, at *2 (N.D. Tex. June 10, 2015) (finding that a prisoner's "reliance on the UCC or a so-called

‘sovereign citizen’ theory that he is exempt from prosecution and beyond the jurisdiction of the state or federal courts is frivolous”) (collecting cases).

He reasons that no government has jurisdiction to hold him accountable for his actions through laws or regulations. Holmes resides and remains on Texas soil, subjecting himself to Texas jurisdiction, to the duly enacted laws of this State, and to the consequences of violating those laws. His habeas is denied as frivolous. 2/4 Even if Holmes had stated a nonfrivolous issue with his pretrial proceedings, he has not properly exhausted his state remedies before coming to federal court.

As a pre-trial defendant seeking a federal writ of habeas corpus, Holmes’s petition is governed by 28 U.S.C. § 2241, which authorizes review where a prisoner can show that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). A state criminal defendant awaiting trial may seek a federal writ of habeas corpus under § 2241 only if the following two prerequisites are met: (1) the petitioner must be in custody for purposes of § 2241(c); and (2) the petitioner must have exhausted available state remedies.

See *Dickerson v. Louisiana*, 816 F.2d 220, 224 (Sth Cir. 1987); see also *Braden v. 30th Judicial Circuit Court of Kentucky*, 93 S. Ct. 1123, 1126-27 (1973). Holmes does not satisfy the second prerequisite because it is apparent from the pleadings that he has not exhausted available state court remedies for his current charges before seeking relief in federal court.

A Texas criminal defendant awaiting trial may file an application for writ of habeas corpus to raise pre-conviction issues with the judge of the court in which he has been indicted. See TEX. CODE CRIM. PROC. §§ 11.08, 11.09. If the trial court denies habeas relief, the applicant’s remedy is to take a direct appeal to an intermediate appellate court and then petition for discretionary review by the Texas Court of Criminal Appeals.

See, e.g., *Ex parte Twyman*, 716 S.W.2d 951, 952 (Tex. Crim. App. 1986) (citing *Ex parte Payne*, 618 S.W.2d 380, 382 n.5 (Tex. Crim. App. 1981) (citations omitted)). 3/4 Public records reflect that Holmes has not sought habeas relief in the Texas Court of Criminal Appeals to exhaust available state court remedies, and his case must be dismissed for this additional reason.

II. CONCLUSION AND ORDER Based on the foregoing, the Court ORDERS as follows: 1. The petition for a writ of habeas corpus is DISMISSED as frivolous. 2. Because reasonable jurists would not dispute whether the procedural ruling in this case was correct, a certificate of appealability is DENIED. 3. All other motions, if any, are DENIED.

The Clerk will enter this Order, providing a correct copy to all parties of record. SIGNED this [2 day of February 2026. ANDREW S. UANEN UNITED STATES DISTRICT JUDGE 4/4

