

26-5893

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

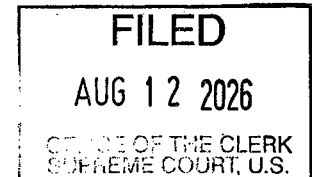
DEANDRE D. DANIELS,

Petitioner,

v.

CHANCE JONES, Warden,

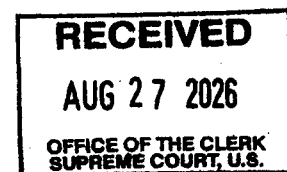
Respondent.



On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

A federal habeas petitioner whose petition is untimely may nonetheless obtain review of his constitutional claims if he makes a credible showing of actual innocence. *McQuiggin v. Perkins*, 569 U.S. 383 (2013); *Schlup v. Delo*, 513 U.S. 298 (1995). Under *Schlup* and *House v. Bell*, 547 U.S. 518 (2006), the habeas court must make a holistic, independent assessment of all the evidence, old and new, and determine how reasonable jurors would likely react to it. In *House*, this Court expressly declined to decide whether 28 U.S.C. § 2254(e)(1), which presumes state-court factual findings correct absent clear and convincing evidence, applies to that gateway inquiry. The courts of appeals have since divided over the answer, and in this case the courts below applied § 2254(e)(1) deference to state-court credibility findings to reject Petitioner's gateway innocence showing. The questions presented are:

1. Whether 28 U.S.C. § 2254(e)(1)'s presumption of correctness applies to state-court factual and credibility determinations when a federal habeas court evaluates a gateway claim of actual innocence under *Schlup v. Delo*, or whether the court must instead make the independent, holistic assessment of all the evidence that *Schlup* and *House v. Bell* require.

2. Whether the court of appeals contravened *Buck v. Davis*, 580 U.S. 100 (2017), and *Miller-El v. Cockrell*, 537 U.S. 322 (2003), by denying a certificate of appealability rather than limiting itself to the threshold question whether reasonable jurists could debate the district court's procedural ruling, where the district court itself acknowledged that the first question presented is open in this Court and in the Seventh Circuit.

LIST OF PARTIES

Petitioner is DeAndre D. Daniels, the petitioner-appellant below. Respondent is Chance Jones, Warden, the respondent-appellee below. No party is a corporation, so no corporate disclosure statement is required under Rule 29.6.

RELATED PROCEEDINGS

Daniels v. Jones, No. 25-2964 (7th Cir.) (certificate of appealability denied May 26, 2026).

Daniels v. Jones, No. 3:25-cv-1026-JEH (C.D. Ill.) (petition dismissed Sept. 26, 2025).

People v. Daniels, 2023 IL App (4th) 220701-U (Ill. App. Ct.), appeal denied, 226 N.E.3d 26 (Ill. Jan. 24, 2024) (state postconviction proceedings).

People v. Daniels, 2016 IL App (4th) 140131 (Ill. App. Ct.), appeal denied, 65 N.E.3d 843 (Ill. Nov. 23, 2016) (direct appeal).

People v. Daniels, No. [12-CF-~~1193~~] (Cir. Ct. McLean Cnty., Ill.) (judgment of conviction; successive postconviction petition pending, leave granted [DATE]).

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Slack v. McDaniel, 529 U.S. 473 (2000)
Wilson v. Cromwell, 69 F.4th 410 (7th Cir. 2023)

Statutes

28 U.S.C. § 1254(1)
28 U.S.C. § 2244(d)
28 U.S.C. § 2253(c)
28 U.S.C. § 2254(e)(1)

PETITION FOR A WRIT OF CERTIORARI

Petitioner DeAndre D. Daniels respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit denying a certificate of appealability.

OPINIONS BELOW

The order of the United States Court of Appeals for the Seventh Circuit denying a certificate of appealability, entered May 26, 2026, is unreported and is reproduced at Appendix A. The order and opinion of the United States District Court for the Central District of Illinois dismissing the petition for a writ of habeas corpus, entered September 26, 2025, is unreported and is reproduced at Appendix B.

JURISDICTION

The court of appeals denied a certificate of appealability on May 26, 2026. This petition is filed within 90 days of that order. See Sup. Ct. R. 13.1, 13.3. This Court has jurisdiction under 28 U.S.C. § 1254(1). See *Hohn v. United States*, 524 U.S. 236, 241 (1998) (this Court has certiorari jurisdiction to review a court of appeals' denial of a certificate of appealability).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitution guarantees the accused the right to the effective assistance of counsel. The Fourteenth Amendment provides that no State shall deprive any person of life, liberty, or property without due process of law.

28 U.S.C. § 2244(d)(1) provides in relevant part: "A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court."

28 U.S.C. § 2253(c)(2) provides: "A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right."

28 U.S.C. § 2254(e)(1) provides: "In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence."

STATEMENT OF THE CASE

1. On November 5, 2012, two men were shot during an altercation in Bloomington, Illinois. Petitioner was charged with attempted murder, aggravated battery with a firearm, aggravated discharge of a firearm, and unlawful possession of a weapon by a felon. App. B at 1-2.

The State's case rested on eyewitness identification. Police testified that they received "extremely little cooperation" from eyewitnesses. Only two witnesses placed Petitioner at the scene, and only one — Michelle Brown — ever identified him as a shooter. By the time of trial, Brown had recanted. She testified that she was inside her residence when the shooting occurred, that she did not see who shot the victims, and that her earlier statements to police and the grand jury were lies. The State secured a conviction by impeaching Brown with those prior unsworn statements and a videotaped police interview. The second witness, Raymond Davis, placed Petitioner at the scene but did not identify him as a shooter. A defense witness, Brandi Guzoskis, testified that she saw a man with dreadlocks fire a gun; Petitioner's girlfriend testified that Petitioner did not have dreadlocks. The jury convicted, and the trial court imposed an aggregate sentence of 47 years. App. B at 2-6.

2. The Illinois Appellate Court affirmed on direct appeal, *People v. Daniels*, 2016 IL App (4th) 140131, and the Illinois Supreme Court denied leave to appeal on November 23, 2016.

Petitioner's conviction became final on February 27, 2017. See *Gonzalez v. Thaler*, 565 U.S. 134, 150 (2012).

3. Petitioner then pursued state postconviction relief, alleging that trial counsel was ineffective for failing to investigate alibi witnesses and for preventing Petitioner from testifying. The Illinois Appellate Court reversed an initial dismissal and remanded for an evidentiary hearing. *People v. Daniels*, 2020 IL App (4th) [190723]. At that hearing, the evidence of Petitioner's innocence grew substantially. Davis — one of only two witnesses who had placed Petitioner at the scene — recanted, testifying that Petitioner was not present at the shooting. Two alibi witnesses, Maurice Sutton and Tylon McAllister, testified that Petitioner remained at his apartment when the group departed. Rodney Lane, who drove the van, testified that Petitioner was not in it. A new eyewitness, Jamell Jamison, testified that the gunman was a man with long hair and that Petitioner was not present. The state trial court nonetheless denied relief, crediting trial counsel's testimony and discounting the recantations and alibi testimony. The Illinois Appellate Court affirmed, *People v. Daniels*, 2023 IL App (4th) 220701-U, and the Illinois Supreme Court denied leave to appeal on January 24, 2024.

4. Petitioner filed his federal habeas petition under 28 U.S.C. § 2254 on January 24, 2025, raising claims of juror-bias error, ineffective assistance of counsel, and suppression of evidence under *Brady v. Maryland*. He simultaneously moved for a stay and abeyance while he sought leave to file a successive postconviction petition in state court based on three newly obtained affidavits: (1) Shalayne Doss; a previously unknown eyewitness, swore that the gunman was a man with dreadlocks whom she did not know and that Petitioner was not that man; (2) codefendant Kenneth King swore "with certainty" that Petitioner "was not the shooter because he was not in [their] company"; and (3) codefendant Anton Smith swore that Petitioner stayed behind in his apartment

and was not present when the shooting occurred. App. B at 8-9. The state court granted leave to file the successive petition, and those proceedings remain pending.

5. The district court dismissed the federal petition as untimely under 28 U.S.C. § 2244(d), calculating that it was filed roughly five months after the limitations period expired. App. B at 10-12. Petitioner argued that his untimeliness should be excused through the actual-innocence gateway of *Schlup v. Delo*, 513 U.S. 298 (1995), and *McQuiggin v. Perkins*, 569 U.S. 383 (2013).

The district court rejected that showing. Critically, in doing so it deferred to the state courts' credibility findings under 28 U.S.C. § 2254(e)(1). It reasoned that the state trial court's determination that Jamison's and Davis's postconviction testimony was not credible "is entitled to deference pursuant to 28 U.S.C. § 2254(e)(1)," while candidly acknowledging that "neither the Supreme Court nor the Seventh Circuit have expressly discussed whether § 2254(e)(1) applies when considering *Schlup* actual innocence gateway claims." App. B at 15 n.3. The court collected decisions of the Second, Third, Fourth, and Fifth Circuits applying § 2254(e)(1) deference to gateway claims. *Id.* (citing *Cosey v. Lilley*, 62 F.4th 74, 82-83 (2d Cir. 2023); *Reed v. Stephens*, 739 F.3d 753, 772 n.8 (5th Cir. 2014); *Sharpe v. Bell*, 593 F.3d 372, 379 (4th Cir. 2010); *Goldblum v. Klem*, 510 F.3d 204, 221 n.13 (3d Cir. 2007)). Having filtered the new evidence through that deferential screen, the court concluded that Petitioner's showing did not satisfy *Schlup*, dismissed the petition as untimely, denied the stay, and declined to issue a certificate of appealability. App. B at 13-17.

6. Petitioner timely appealed and applied to the Seventh Circuit for a certificate of appealability. On May 26, 2026, a panel of that court denied the application in a two-sentence order, stating only that it found "no substantial showing of the denial of a constitutional right," and denied leave to proceed in forma pauperis. App. A. This petition follows.

REASONS FOR GRANTING THE PETITION

I. The circuits are divided over a question this Court expressly reserved in *House v. Bell*: whether Section 2254(e)(1) deference applies to the *Schlup* actual-innocence gateway.

In *Schlup*, this Court held that a habeas petitioner may overcome a procedural bar by showing that, "in light of the new evidence, no juror, acting reasonably, would have voted to find him guilty beyond a reasonable doubt." 513 U.S. at 329. *McQuiggin* extended that gateway to AEDPA's statute of limitations. 569 U.S. at 386. And in *House*, this Court described the nature of the inquiry: the habeas court must undertake "a holistic judgment about all the evidence," old and new, admissible and inadmissible, and assess "how reasonable jurors would react to the overall, newly supplemented record." 547 U.S. at 538-39. The court's function "is not to make an independent factual determination about what likely occurred, but rather to assess the likely impact of the evidence on reasonable jurors." *Id.* at 538.

House also flagged — and expressly left open — the question at the heart of this case: whether the deferential presumption of correctness in 28 U.S.C. § 2254(e)(1) governs state-court factual findings when a federal court conducts that gateway inquiry. 547 U.S. at 539-40. Two decades later, the question remains unresolved by this Court, and the lower courts have answered it in conflicting ways.

Several circuits apply full § 2254(e)(1) deference to gateway claims, presuming state-court credibility findings correct unless rebutted by clear and convincing evidence. See *Cosey v. Lilley*, 62 F.4th 74, 82-83 (2d Cir. 2023) (collecting cases and holding that "in the context of a gateway claim of actual innocence under *Schlup*, a federal habeas court must presume that a state court's factual findings are correct"); *Reed v. Stephens*, 739 F.3d 753, 772 n.8 (5th Cir. 2014); *Sharpe v. Bell*, 593 F.3d 372, 379 (4th Cir. 2010); *Goldblum v. Klem*, 510 F.3d 204, 221 n.13 (3d Cir. 2007). Other courts have understood *Schlup* and *House* to require the federal court to weigh all the

evidence for itself, unconstrained by prior state-court credibility determinations, because the gateway inquiry asks a forward-looking question — how reasonable jurors would assess the total record — that no state court has ever answered. *House v. Bell*, 547 U.S. 58

~~the gateway inquiry — and the state court's credibility findings~~ The Seventh Circuit, as the district court acknowledged, has never decided the question. App. B at 15 n.3.

The choice of standard is frequently outcome-determinative, and it was here. Gateway cases by definition involve new evidence that the state courts either never saw or discounted. If a federal court must presume correct a state court's adverse credibility findings about recanting witnesses and newly discovered eyewitnesses, the gateway narrows nearly to a vanishing point in precisely the cases — recantation and mistaken-identification cases — where wrongful convictions are most common. Only this Court can resolve the conflict it noted in *House*.

II. The decision below conflicts with *Schlup* and *House*, which require an independent, holistic assessment of all the evidence.

The district court did not perform the holistic assessment *House* requires. It began from the premise that the state courts' credibility findings against Petitioner's postconviction witnesses were "presumed to be correct" and rebuttable only by clear and convincing evidence, App. B at 15 n.3, and it never independently evaluated how reasonable jurors would react to the newly supplemented record as a whole.

That record is now dramatically different from the one the jury saw. At trial, exactly one witness had ever identified Petitioner as a shooter — Michelle Brown — and she recanted before and at trial, swearing in an affidavit that she had not seen Petitioner at the scene. The only other witness placing Petitioner at the scene, Raymond Davis, has since recanted under oath. Since then, the exculpatory evidence has grown to include: two alibi witnesses (Sutton and McAllister); the van driver (Lane), who swore Petitioner was not in the vehicle that returned to the scene; an

independent eyewitness (Jamison) who testified the gunman was a long-haired man and Petitioner was not present; a second independent eyewitness (Doss) who swore the gunman had dreadlocks and was not Petitioner — corroborating trial witness Guzoskis, who saw a dreadlocked shooter, and Petitioner's girlfriend, who testified Petitioner had no dreadlocks; and sworn statements from two codefendants (King and Smith) that Petitioner was not present. The State's own trial evidence showed near-total witness non-cooperation and no physical evidence linking Petitioner to the shooting.

Weighed without a thumb on the scale, this is a record on which it is at least reasonably debatable that "no juror, acting reasonably, would have voted to find [Petitioner] guilty beyond a reasonable doubt." Schlup, 513 U.S. at 329. Indeed, the Seventh Circuit itself has recognized that recantation by the State's key witness, corroborated by consistent accounts and tension between the prosecution theory and the physical evidence, can satisfy the gateway. *Jones v. Calloway*, 842 F.3d 454, 461-63 (7th Cir. 2016). The state court's leave to file a successive postconviction petition based on the new affidavits underscores that this new evidence is substantial, not frivolous.

III. The Seventh Circuit's denial of a certificate of appealability conflicts with *Buck v. Davis* and *Miller-El v. Cockrell*.

A certificate of appealability must issue when "jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional claims or . . . could conclude the issues presented are adequate to deserve encouragement to proceed further." *Buck v. Davis*, 580 U.S. 100, 115 (2017) (quoting *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003)). The inquiry is a threshold one: the court of appeals may not deny a certificate by adjudicating the merits, and "a claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail." *Miller-El*, 537 U.S. at 338. Where, as here, the district court rested on a procedural ground, a certificate

should issue if reasonable jurists could debate both the procedural ruling and the underlying constitutional claims. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Reasonable jurists plainly could debate the procedural ruling here, because the district court itself identified an open question of law on which the circuits have divided and on which the Seventh Circuit has never spoken — whether § 2254(e)(1) deference applies to the Schlup gateway — and resolved it against Petitioner. App. B at 15n.3. When a district court candidly acknowledges that its dispositive legal premise is unsettled in this Court and unaddressed in its own circuit, the debatability standard is satisfied almost by definition. The Seventh Circuit's unexplained, two-sentence denial of a certificate cannot be reconciled with *Buck* and *Miller-El*. At a minimum, this Court should grant the petition, vacate the judgment, and remand for the court of appeals to apply the correct threshold standard.

IV. The question is important, recurring, and squarely presented.

The standard governing gateway innocence claims determines whether federal courts may ever reach the merits for the class of petitioners with the strongest claims of injustice: those with substantial new evidence of innocence who have stumbled over AEDPA's procedural requirements, frequently without counsel. This Court in *McQuiggin* held that a credible innocence showing overcomes the statute of limitations precisely because a "fundamental miscarriage of justice" outweighs the interest in finality. 569 U.S. at 392-93. Whether that promise is real or illusory turns on whether the federal court examines the new evidence with its own eyes or through a presumption that the state courts were right to reject it.

The question is cleanly presented. The district court's application of § 2254(e)(1) was dispositive of its Schlup analysis and identified in a footnote as unsettled; there are no disputed threshold issues; and the timeliness arithmetic is not contested. This case is an ideal vehicle.

CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should grant the petition, vacate the judgment below, and remand with instructions to issue a certificate of appealability.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DeAndre D. Daniels', written over a horizontal line.

DeAndre D. Daniels, Petitioner Pro Se

Dated: 08/10, 2026