

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

WILLIAM ROBERT SANDERS,	)	
# 258188,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LEON FORNISS, <i>et al.</i> ,	)	
	)	
Respondents.	)	

CASE NO. 2:15-CV-779-WKW  
[WO]

**ORDER**

On May 31, 2018, the Magistrate Judge filed a Recommendation (Doc. # 27) to which no timely objections have been filed. The Recommendation is due to be adopted, although one of its sections is due to be modified.

The Magistrate Judge found that Petitioner William Robert Sanders’s 28 U.S.C. § 2254 petition is not time-barred based on her reading of the Eleventh Circuit’s opinion in *Medina v. Singletary*, 59 F.3d 1095 (11th Cir. 1995). (Doc. # 27, at 14.) The *Medina* court asserted that a “substantive competency claim . . . is not subject to procedural default and must be considered on the merits.” 59 F.3d at 1111. But Respondents did not argue that Mr. Sanders procedurally defaulted his substantive competency claim. Instead, they argued that Mr. Sanders’s claim is “time-barred from review because Sanders filed it well after expiration of the one-year limitation period in 28 U.S.C. § 2244(d) of the Antiterrorism and Effective

Death Penalty Act of 1996 (‘AEDPA’).” (Doc. # 27, at 14 (citing Doc. # 15, at 16–22).) The *Medina* court did not address § 2244(d), in part because the Eleventh Circuit decided *Medina* before Congress passed AEDPA.

That did not stop this court from citing *Medina* for the propositions that a “substantive competency claim is not subject to [§ 2244(d)’s] time bar,” *Simon v. Giles*, No. 2:11-CV-1125-WHA, 2015 WL 1292525, at \*4 (M.D. Ala. Mar. 23, 2015) (citing *Medina*, 59 F.3d at 1111), and that “[t]he law is well settled that a substantive claim challenging a petitioner’s competency to stand trial is not subject to the procedural or *time limitation* bars in either state or federal court,” *id.* at \*2 n.2 (emphasis added) (citing *Medina*, 59 F.3d at 1111; *Wright v. Sec’y for Dep’t of Corr.*, 278 F.3d 1245, 1248–49 (11th Cir. 2002); *Glass v. State*, 912 So. 2d 285, 288 (Ala. Crim. App. 2004)). *Medina* and the other cases this court cited, however, addressed procedural default but not § 2244(d). And while it does seem to be well-settled law that a substantive competency claim cannot be procedurally defaulted, the Eleventh Circuit has at least implicitly held that substantive competency claims can be time barred under § 2244(d), *see Lawrence v. Florida*, 421 F.3d 1221, 1225–27 (11th Cir. 2005) (applying § 2244(d) to a substantive competency claim). Thus, this court appears to have mistakenly conflated procedural default and § 2244(d)’s one-year statute of limitations.

