

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 2, 2026

Christopher M. Wolpert
Clerk of Court

VERYL DEAN CRAWFORD,

Plaintiff - Appellant,

v.

DAN SCHNURR, Warden,
Hutchinson Correctional Facility,

Defendant - Appellee.

No. 26-3107
(D.C. No. 5:26-CV-03091-JWL)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **TYMKOVICH, PHILLIPS**, and **FEDERICO**, Circuit Judges.

Veryl Dean Crawford requests that this court issue an order granting him a certificate of appealability (COA) in connection with his pro se petition for habeas corpus filed under 28 U.S.C. § 2241. For the foregoing reasons, we decline to grant Crawford's request.

Crawford is currently incarcerated at the Hutchinson Correctional Facility in Hutchinson, Kansas. His habeas petition challenges the calculation of his sentence and argues that his parole ended on July 7, 2025.

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

He seeks immediate release and compensatory damages. Crawford has also filed a habeas action in Kansas state court which raises the same issues. The district court dismissed Crawford's federal habeas petition without prejudice based on *Younger* abstention and noted that monetary damages are not available as relief in a 28 U.S.C. § 2241 action. The district court also declined to issue a certificate of appealability.

Federal Rule of Appellate Procedure 22(b)(1) states that a habeas petitioner "cannot take an appeal unless a circuit justice or a circuit or district judge issues a certificate of appealability under 28 U.S.C. § 2253(c). . . . If the district judge has denied the certificate, the applicant may request a circuit judge to issue it." To demonstrate that he is entitled to a COA, Crawford must show that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Davis v. McCollum*, 798 F.3d 1317, 1319 (10th Cir. 2015) (quoting *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003)). "Where a plain procedural bar is present and the district court is correct to invoke it to dispose of the case, a reasonable jurist could not conclude either that the district court erred in dismissing the petition or that the petitioner should be allowed to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The district court correctly concluded that the *Younger* abstention doctrine bars Crawford’s federal habeas petition. “Under the *Younger* abstention doctrine, federal courts should not ‘interfere with state court proceedings by granting equitable relief – such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings –’ when a state forum provides an adequate avenue for relief.” *Weitzel v. Division of Occupational & Professional Licensing of Dep’t of Commerce of State of Utah*, 240 F.3d 871, 875 (10th Cir. 2001) (quoting *Rienhardt v. Kelly*, 164 F.3d 1296, 1302 (10th Cir. 1999)). The *Younger* doctrine requires a federal court to abstain from hearing a case where three criteria are met. “These criteria are: (1) state judicial proceedings are ongoing; (2) state proceedings implicate an important state interest; and (3) the state proceedings offer an adequate opportunity to litigate federal constitutional issues.” *Winnebago Tribe of Nebraska v. Stovall*, 341 F.3d 1202, 1204 (10th Cir. 2003) (citing *Seneca-Cayuga Tribe of Oklahoma v. State of Oklahoma ex rel. Thompson*, 874 F.2d 709, 711 (10th Cir. 1989)).

Here, all three criteria are met. Crawford’s state court proceedings are ongoing – he filed a notice of appeal in those proceedings on August 18, 2026. His state court proceedings also implicate an important state interest, as “state control over criminal justice [is] a lynchpin in the unique balance of interests [Justice Black] described as ‘Our Federalism.’” *In re Troff*, 488

F.3d 1237, 1240 (10th Cir. 2007) (quoting *Younger*, 401 U.S. 37, 44 (1971)). Finally, those state court proceedings offer Crawford an adequate opportunity to litigate federal constitutional issues because, as the district court noted, Kansas courts allow him to raise these issues by way of pretrial proceedings, trial, and direct appeal after conviction and sentence, as well as post-conviction remedies. *See Steffel v. Thompson*, 415 U.S. 452, 460 (1974) (“[A] pending state proceeding, in all but unusual cases, would provide the federal plaintiff with the necessary vehicle for vindicating his constitutional rights[.]”). Therefore, the *Younger* abstention doctrine bars Crawford’s federal habeas petition.

Crawford’s submissions do not alter this conclusion. After the district court directed Crawford to show cause as to why his habeas petition should not be dismissed based on *Younger* abstention, his response addressed neither *Younger* abstention nor the district court’s finding that monetary damages are not available in a § 2241 action. Similarly, Crawford’s Combined Opening Brief and Application for a Certificate of Appealability does not address *Younger* abstention and merely rehashes the substantive issues he seeks to litigate in his § 2241 action. Any arguments on appeal that he may have for reversing the district court’s decision have therefore been waived.

Because we agree with the district court's holding that "a plain procedural bar is present," we hold that a reasonable jurist could not conclude either that the district court erred in dismissing the petition or that the petitioner should be allowed to proceed further. *Slack*, 529 U.S. at 484. Therefore, we deny Crawford's application for a COA and dismiss this matter.

We also grant Crawford's motions to proceed *in forma pauperis*, Doc. 11, 18, and deny as moot his Motion to File Brief and Application for Certification of Appealability Out of Time, Doc. 15, and the Motion for Extension of Time to File Brief and Application Out of Time for a Certificate of Appealability, Doc. 16.

Entered for the Court

Richard E.N. Federico
Circuit Judge