

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Horace Van Vaultz, Jr. v. Edward J. Silva, Acting Warden

Vaultz · No. 2:25-cv-01186-FWS-PD · Decided April 1, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause concerning dismissal of Horace Van Vaultz, Jr.'s 28 U.S.C. § 2254 habeas petition as partially unexhausted. The court identified potentially unexhausted ineffective-assistance, evidentiary, prosecutorial-misconduct, and Eighth Amendment claims. The court ordered Petitioner to respond by May 1, 2025, by demonstrating exhaustion, seeking a stay, filing an amended petition with exhausted claims, or requesting dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Patricia Donahue
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 1, 2025
DOCKET	2:25-cv-01186-FWS-PD
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2254. On preliminary review, the district court issued an order to show cause because the petition appeared to contain unexhausted claims.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing § 2254 Cases, the court conducts preliminary review and must summarily dismiss a petition if it plainly appears from the petition and attached materials that the petitioner is not entitled to relief. Exhaustion is reviewed based on whether each federal claim was fairly presented to the state courts and disposed of on the merits by the state's highest court.
PRECEDENTIAL VALUE	nonprecedential district-court order
PARTIES	Horace Van Vaultz, Jr. v. Edward J. Silva, Acting Warden

TOPICS

federal habeas corpus

post-conviction relief

pleadings

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the federal habeas petition should be dismissed or otherwise addressed because several claims had not been exhausted in state court.
2. Whether the petition's ineffective-assistance, certain evidentiary, prosecutorial-misconduct, and Eighth Amendment claims appeared unexhausted on the record before the court.
3. What procedural options should be provided to Petitioner to address a mixed or partially unexhausted petition.

HOLDINGS

1. A district court must conduct preliminary review under Rule 4 and may summarily dismiss a § 2254 petition if it plainly appears from the petition and materials subject to review that the petitioner is not entitled to relief.
2. A federal court may not grant habeas relief under § 2254 unless the petitioner has exhausted available state-court remedies by fairly presenting each claim to the state courts and obtaining merits disposition by the state's highest court.
3. The petition appeared partially unexhausted because Petitioner had not presented his ineffective-assistance claim, certain evidentiary claims, certain prosecutorial-misconduct claims, or his Eighth Amendment claim to the California courts.
4. Petitioner was ordered to show that the identified claims were exhausted or concede their unexhausted status and select an available procedural option, including seeking a Rhines or Kelly stay, amending to proceed only on exhausted claims, or voluntarily dismissing without prejudice.

KEY QUOTATIONS

“Pursuant to Rule 4, the Court must summarily dismiss a petition “[i]f it plainly appears from the face of the petition . . . that the petitioner is not entitled to relief in the district court.”” (Order text, Discussion section)

“As a matter of comity, a federal court will not entertain a habeas petition unless the petitioner has exhausted the available state judicial remedies on every ground presented in it.” (Order text, Discussion section)

FACTUAL BACKGROUND

In August 2022, a Los Angeles County Superior Court jury convicted Horace Van Vaultz, Jr. of two murders and found true special circumstances involving rape and sodomy. He was sentenced to consecutive life terms without parole. The California Court of Appeal affirmed the judgment, and the California Supreme Court denied review. His federal petition asserted ineffective assistance of counsel, evidentiary and due-process errors, prosecutorial misconduct, and an Eighth Amendment claim, but he had not filed state habeas petitions.

PROCEDURAL HISTORY

A California jury convicted Petitioner of two murders with special-circumstance findings, and he received consecutive life sentences without parole. The California Court of Appeal affirmed the judgment, and the California Supreme Court denied review. Petitioner then filed this federal § 2254 petition without first filing state habeas petitions. The district court did not dismiss the petition immediately; it ordered Petitioner to show exhaustion, concede unexhaustion and seek a stay or amend, or voluntarily dismiss without prejudice.

DISPOSITION

other

CASES CITED

- People v. Vaultz, No. B323590, 2024 WL 1591485 (Cal. Ct. App. Apr. 1, 2024)
- Harris v. County of Orange, 682 F.3d 1126, 1131-32 (9th Cir. 2012)
- Hendricks v. Vasquez, 908 F.2d 490 (9th Cir. 1990)
- Ybarra v. McDaniel, 656 F.3d 984, 991 (9th Cir. 2011)
- Greene v. Lambert, 288 F.3d 1081, 1086 (9th Cir. 2002)
- Rose v. Lundy, 455 U.S. 509, 518-19, 522 (1982)
- Rhines v. Weber, 544 U.S. 269, 277-78 (2005)
- Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003), as amended
- Robbins v. Carey, 481 F.3d 1143, 1149 (9th Cir. 2007)
- Mayle v. Felix, 545 U.S. 644, 664 (2005)