

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hazeltine v. Wallace

Hazeltine · No. 1:25-cv-00698-SKO (HC) · Decided June 11, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissal of Rick Hazeltine’s habeas petition under 28 U.S.C. § 2254. The court concludes that several claims challenging his 1994 conviction are successive and that another claim concerning state-court motion rulings is not cognizable on federal habeas review. The court recommends that Hazeltine be permitted to file an amended petition limited to non-successive claims challenging his civil commitment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	1:25-cv-00698-SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Magistrate judge's findings and recommendation on preliminary review of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254.
STANDARD OF REVIEW	Preliminary screening under Rule 4 of the Rules Governing § 2254 Cases; dismissal is required when it plainly appears from the petition that the petitioner is not entitled to relief.
PARTIES	Rick Hazeltine v. Janine Wallace

QUESTIONS PRESENTED

- Whether claims challenging the 1994 conviction were second or successive under 28 U.S.C. § 2244(b) and therefore outside the district court's jurisdiction absent authorization from the Ninth Circuit.
- Whether the claim challenging the Tuolumne County Superior Court's disposition of motions presented a cognizable federal habeas claim.

3. Whether the petition should be dismissed at preliminary review and Hazeltine directed to file an amended petition limited to non-successive, cognizable claims concerning his civil commitment.

HOLDINGS

1. Claims challenging the 1994 conviction were second or successive because Hazeltine had previously pursued federal habeas relief concerning that conviction, and he had not obtained Ninth Circuit authorization to file another petition.
2. The claim challenging the Tuolumne County Superior Court's disposition of motions was not cognizable on federal habeas review because alleged errors in the application of state law and state procedure do not, without more, establish a federal constitutional violation.
3. The petition should be dismissed on preliminary review for presenting successive and noncognizable claims, with leave recommended to file an amended petition limited to non-successive claims challenging the civil commitment.

KEY QUOTATIONS

“Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order author” (at 2)

FACTUAL BACKGROUND

Hazeltine, proceeding pro se, filed a federal habeas petition concerning a 1994 Tuolumne County conviction for lewd and lascivious acts with a minor under fourteen and matters relating to his civil commitment. He previously sought federal habeas relief concerning the conviction in *Hazeltine v. Nelson*, Case No. 1:01-cv-05854-REC-HGB, and that petition was dismissed with prejudice as untimely. The current petition included claims concerning ineffective assistance, competency, alleged suppression of evidence, appellate rights, the validity of a juvenile plea, cumulative constitutional error, and state-court rulings on motions.

PROCEDURAL HISTORY

Hazeltine filed the petition on June 9, 2025, challenging matters relating to his 1994 Tuolumne County conviction and his civil commitment. On preliminary review under Rule 4, the court found several claims successive and another claim noncognizable because it challenged state-court procedure. The magistrate judge recommended dismissal and directed that an amended petition be filed presenting only non-successive, cognizable claims challenging the civil commitment; the matter was referred to a district judge for review after objections.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. The recommendation directs that Hazeltine be permitted or directed to file an amended petition presenting only non-successive, cognizable claims challenging his civil commitment. The recommendation remains subject to district-judge review after objections.

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