

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bolin v. Newcomb

Bolin · No. 2:25-cv-1497-DC-SCR · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of California grants Paul C. Bolin’s motion to proceed in forma pauperis and denies his request for appointed counsel. The court recommends summary dismissal of his amended petition for a writ of error coram nobis, concluding that coram nobis cannot be used to challenge state-court proceedings and that the petition is instead a successive habeas challenge requiring Ninth Circuit authorization.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 8, 2026
DOCKET	2:25-cv-1497-DC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a writ of error coram nobis and related motions challenging the accuracy of the record on appeal in his state criminal case. The magistrate judge construed a later filing as an amended petition, recommended summary dismissal, granted in forma pauperis status, and denied appointment of counsel as moot.
STANDARD OF REVIEW	Preliminary screening under Rule 4 of the Rules Governing Section 2254 Cases; the court may summarily dismiss a habeas petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Paul C. Bolin v. Rachel Newcomb, et al.

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- pleadings
- appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether a federal writ of error coram nobis may be used to challenge alleged errors in a state-court criminal proceeding.
2. Whether the amended coram nobis petition was in substance a second or successive petition under 28 U.S.C. § 2254.
3. Whether the court had jurisdiction over the successive habeas challenge absent authorization from the Ninth Circuit.
4. Whether appointment of counsel should be granted after recommending dismissal.

HOLDINGS

1. A writ of error coram nobis in federal court is unavailable to challenge errors occurring in a state-court criminal proceeding.
2. A petition styled as coram nobis is a second or successive § 2254 petition when its substance challenges a state conviction and raises claims that were or could have been adjudicated on the merits in an earlier § 2254 petition.
3. The district court lacks jurisdiction over a second or successive challenge to a state conviction absent prior authorization from the Ninth Circuit.

KEY QUOTATIONS

“More specifically, coram nobis “lies only to challenge errors occurring in the same court.”” (at 2)

“A habeas petition is second or successive “only if it raises claims that were or could have been adjudicated on the merits” in an earlier 2254 petition.” (at 3)

FACTUAL BACKGROUND

Paul C. Bolin was convicted in Kern County Superior Court in 1991 of two counts of first-degree murder, one count of attempted first-degree murder, and marijuana cultivation, and was sentenced to death. He challenged the accuracy of the state trial transcript and alleged that respondents conspired to alter numerous transcript pages. The federal court found that the transcript-related challenge had been raised or could have been raised in earlier federal habeas proceedings.

PROCEDURAL HISTORY

Petitioner was convicted in Kern County Superior Court in 1991, and the California Supreme Court affirmed the judgment and sentence as modified. The United States Supreme Court denied certiorari, and petitioner later pursued state and federal habeas relief, including multiple unauthorized successive petitions. In this action, petitioner alleged that respondents conspired to alter trial transcripts; the court construed his later coram nobis

filing as an amended petition and recommended dismissal because coram nobis could not challenge a state proceeding and the filing was a disguised successive § 2254 petition filed without Ninth Circuit authorization.

DISPOSITION

other

CASES CITED

- Bolin v. Warden, San Quentin State Prison, Case No. 1:99-cv-05279-LJO-SAB (E.D. Cal.)
- People v. Bolin, 18 Cal. 4th 297 (1998), as modified on denial of reh'g (Aug. 12, 1998)
- Bolin v. California, 526 U.S. 1006 (1999)
- United States v. Monreal, 301 F.3d 1127, 1131-32 (9th Cir. 2002)
- Yasui v. United States, 772 F.2d 1496, 1498 (9th Cir. 1985)
- Hensley v. Municipal Court, 453 F.2d 1252, 1252 n. 2 (9th Cir. 1972), rev'd on other grounds by 411 U.S. 345 (1973)
- McNabb v. Yates, 576 F.3d 1028, 1029 (9th Cir. 2009)
- Bolin v. Davis, Case No. 1:17-cv-0985-LJO-SAB (E.D. Cal.)
- Paul v. Davis, 13 F.4th 797 (9th Cir. 2021)
- Morris v. Woodford, 229 F.3d 775, 780 (9th Cir. 2000)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)