

**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

OPINION

Newcomb

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 PAUL C. BOLIN, No. 2:25-cv-1497-DC-SCR 12 Petitioner,

13 v. ORDER AND

14 RACHEL NEWCOMB, et al., FINDINGS AND RECOMMENDATIONS

15 Respondents. 16

17 Petitioner, a state prisoner sentenced to death, has filed a petition for a writ of error coram 18
nobis along with a motion to proceed in forma pauperis. ECF Nos. 1-2. He is currently 19
incarcerated at the California Medical Facility (“CMF”) located in this judicial district. 20
Examination of the in forma pauperis application reveals that petitioner is unable to afford 21 the
costs of suit. Accordingly, the motion to proceed in forma pauperis is granted. See 28 U.S.C. 22 §
1915(a). 23 I. Factual and Procedural History 24 By way of background, petitioner was convicted
of two counts of first degree murder, one 25 count of attempted first degree murder, and marijuana
cultivation in the Kern County Superior 26 Court in 1991. See Bolin v. Warden, San Quentin State
Prison, Case No. 1:99-cv-05279-LJO- 27 SAB (E.D. Cal.). On June 18, 1998, the California
Supreme Court affirmed the judgment and 28 sentence on direct appeal, as modified on August
12, 1998 upon denial of rehearing. People v. 1 Bolin, 18 Cal. 4th 297 (1998), as modified on
denial of reh’g (Aug. 12, 1998). 2 The United States Supreme Court denied a petition for writ of
certiorari on March 8, 1999. 3 See Bolin v. California, 526 U.S. 1006 (1999). 4 Petitioner next
pursued state post-conviction relief. On January 19, 2005, petitioner’s 5 state habeas corpus
petition was denied on the merits by the California Supreme Court. In re 6 Bolin, Case No.
S090684. 7 The district court denied petitioner’s initial federal habeas petition filed pursuant to 28
8 U.S.C. § 2254 on June 9, 2016. See Bolin v. Warden, San Quentin State Prison, Case No. 1:99- 9
cv-05279-LJO-SAB (E.D. Cal.). The Ninth Circuit Court of Appeals affirmed the denial on
10 September 15, 2021. See Paul v. Davis, 13 F.4th 797 (9th Cir. 2021).

11 Petitioner has filed numerous second or successive § 2254 petitions in this court. See 12 Bolin
v. Davis, Case No. 1:17-cv-0985-LJO-SAB (E.D. Cal.) (dismissed as an unauthorized 13 second

or successive § 2254 petition); *Bolin v. On Habeas Corpus*, Case No. 1:18-cv-0692-LJO- 14 SAB (E.D. Cal.) (same); *Bolin v. State of California*, Case No. 1:22-cv-0670-ADA-EPG (E.D. 15 Cal.) (same); *Bolin v. On Habeas Corpus*, Case No. 1:24-cv-00059-KES-SKO (E.D. Cal.) (same); 16 *Bolin v. Unknown*, Case No. 1:24-cv-00094-KES-SAB (E.D. Cal.) (same); *Bolin v. Newcomb*, 17 Case No. 1:24-cv-00644-KES-HBK (E.D. Cal.) (same). 18 In the present action, the California Assistant Attorney General and the Kern County 19 Superior Court Clerk are named as respondents. Petitioner challenges the accuracy of the record 20 on appeal and alleges that there was a conspiracy among respondents to criminally alter numerous 21 pages of the trial transcripts. ECF No. 1 at 4. On October 17, 2025, petitioner filed a second writ 22 of error coram nobis which contains the same allegations as the original writ but includes 23 “matters of new material facts.” ECF No. 12 at 2. The court construes this pleading as an 24 amended coram nobis petition which supersedes the original writ. See Fed. R. Civ. P. 15(a)(1) 25 (allowing amendment as a matter of right prior to 21 days after service of the pleading). 26 II. Legal Standards 27 As a preliminary matter, a writ of error coram nobis is a judicially created remedy that is 28 only available to challenge a federal criminal sentence which has been fully served. See *United States v. Monreal*, 301 F.3d 1127, 1131-32 (9th Cir. 2002); *Yasui v. United States*, 772 F.2d 2 1496, 1498 (9th Cir. 1985), superseded by rule on other grounds (stating that “[t]he writ of error 3 coram nobis fills a void in the availability of post-conviction remedies in federal criminal cases”). 4 More specifically, coram nobis “lies only to challenge errors occurring in the same court.” See 5 *Hensley v. Municipal Court*, 453 F.2d 1252, 1252 n. 2 (9th Cir. 1972) (holding that, even though 6 habeas jurisdiction was lacking, a petition could not be treated as “one seeking coram nobis 7 because [petitioner] seeks to challenge a state court proceeding in federal court”), rev’d on other 8 grounds by 411 U.S. 345 (1973). 9 III. Analysis 10 As noted above, a petition for writ of error coram nobis in federal court is not an available 11 mechanism to challenge state court proceedings. The petition is subject to summary dismissal on 12 that basis alone. 13 To the extent this writ of error coram nobis were instead construed as a petition for writ of 14 habeas corpus, it would also be subject to summary dismissal under the preliminary screening 15 standard of Rule 4 of the Rules Governing Section 2254 Cases.¹ Although petitioner is careful to 16 avoid stating that he is challenging his state court conviction, it is clear that the purpose for 17 challenging the correctness of the state court trial transcript is to overturn his conviction. 18 However, this is not the first time that petitioner has challenged the accuracy of the trial 19 transcripts through federal post-conviction proceedings. See e.g., *Bolin v. Davis*, Case No. 1:17- 20 cv-0985-LJO-SAB at ECF No. 11 (E.D. Cal.) (explaining that the § 2254 petition alleges that “the 21 record on appeal is incomplete, improperly certified and fraudulently modified” and that this 22 claim was also presented in his initial § 2254 petition). A habeas petition is second or successive 23 “only if it raises claims that were or could have been adjudicated on the merits” in an earlier 2254 24 petition. *McNabb v. Yates*, 576 F.3d 1028, 1029 (9th Cir. 2009). Thus, the instant amended 25 coram nobis petition is nothing more than a disguised second or successive § 2254 challenge to 26

petitioner's state court conviction. As a second or successive habeas challenge, petitioner is 27 1
See Rule 1(b) of the Rules Governing Section 2254 Cases (explaining that the district court 28
may apply these rules to other types of habeas corpus petitions besides a 2254 petition). 1 required
to obtain authorization from the Ninth Circuit Court of Appeals prior to filing. See 28 2 U.S.C. §
2244(b)(3). This court has no jurisdiction over petitioner's challenge to his state court 3 conviction
absent such preauthorization from the Ninth Circuit. For all these reasons, the 4 undersigned
recommends that the amended petition for writ of error coram nobis be summarily 5 dismissed. 6
Based on this recommendation, the court denies as moot petitioner's request for the 7 appointment
of counsel. See ECF No. 10. 8 Accordingly, IT IS HERBY ORDERED that: 9 1. Petitioner's
motion for leave to proceed in forma pauperis (ECF No. 2) is granted. 10 2. Petitioner's motion to
appoint counsel (ECF No. 10) is denied. 11 IT IS FURTHER RECOMMENDED that petitioner's
amended writ of error coram nobis 12 be summarily dismissed for the reasons explained herein.
13 These findings and recommendations are submitted to the United States District Judge 14
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days
15 after being served with these findings and recommendations, any party may file written 16
objections with the court and serve a copy on all parties. Such a document should be captioned 17
"Objections to Magistrate Judge's Findings and Recommendations." Since petitioner appears to
18 be challenging his state court conviction, he may address as part of his objections whether a 19
certificate of appealability should issue in the event he files an appeal of the judgment in this 20
case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or
21 deny a certificate of appealability when it enters a final order adverse to the applicant). Where,
as 22 here, a habeas petition is dismissed on procedural grounds, a certificate of appealability
"should 23 issue if the prisoner can show: (1) 'that jurists of reason would find it debatable
whether the 24 district court was correct in its procedural ruling;' and (2) 'that jurists of reason
would find it 25 debatable whether the petition states a valid claim of the denial of a constitutional
right.'" *Morris* 26 v. *Woodford*, 229 F.3d 775, 780 (9th Cir. 2000) (quoting *Slack v. McDaniel*,
529 U.S. 473, 484 27 (2000)). Any response to the objections shall be served and filed within
fourteen days after 28 service of the objections. The parties are advised that failure to file
objections within the 1 || specified time may waive the right to appeal the District Court's order.
Martinez v. Ylst, 951 2 | F.2d 1153 (9th Cir. 1991). 3 | DATED: January 7, 2026

SEAN C. RIORDAN

6 UNITED STATES MAGISTRATE JUDGE

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