

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jerry Grant Frye v. Warden of California State Prison at Stockton

Frye · No. 2:99-cv-00628-KJM-CKD · Decided October 7, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Jerry Grant Frye’s motion for leave to amend his federal habeas corpus petition to add a claim concerning his former attorney’s alleged conflict of interest. The court concluded that the proposed claim was futile because Frye had not shown that California’s corrective process was unavailable or ineffective for purposes of the exhaustion requirement under 28 U.S.C. § 2254(b)(1)(B).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 7, 2025
DOCKET	2:99-cv-00628-KJM-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought leave to amend a federal habeas corpus petition to add a claim concerning his former attorney's alleged conflict of interest. Respondent opposed the motion as futile because the proposed claim had not been exhausted in state court.
STANDARD OF REVIEW	Leave to amend may be denied when the proposed amendment would be futile. In the habeas context, a claim generally must be exhausted in state court unless no corrective process is available or the available process is ineffective; the petitioner bears the burden of establishing an exception.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Jerry Grant Frye v. Warden of California State Prison at Stockton

TOPICS

- federal habeas corpus
- post-conviction relief
- motion to amend
- pleadings
- state post-conviction relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether leave to amend the federal habeas petition should be denied as futile because the proposed conflict-of-interest claim had not been exhausted in state court.
2. Whether California's state corrective process was unavailable or ineffective under 28 U.S.C. § 2254(b)(1)(B) because of alleged delays and lack of funding.

HOLDINGS

1. The motion for leave to amend was denied as futile because Frye had not shown that the proposed claim qualified for an exception to the exhaustion requirement.
2. The alleged lack of funding did not, on the record presented, establish that California's corrective process was so dysfunctional as to be ineffective for purposes of the federal habeas exhaustion requirement.

KEY QUOTATIONS

“Having reviewed the parties’ briefs and the authorities they cite, the court cannot find on this record that California’s corrective system is so dysfunctional as to be “ineffective” for purposes of the applicable exhaustion requirement.” (at 2)

“For these reasons, the motion for leave to amend (ECF No. 705) is denied as futile.” (at 3)

FACTUAL BACKGROUND

Frye sought to add a federal habeas claim based on his former attorney's alleged conflict of interest. He argued that California's capital post-conviction process was ineffective because counties lacked funding for capital habeas litigation, hearings, discovery, and counsel. The court found no present delay to evaluate and concluded that Frye had not shown how his rights or claims would be impaired by pursuing the state corrective process.

PROCEDURAL HISTORY

Frye's federal habeas action was pending in the Eastern District of California. The court had previously granted the petition in part by vacating the death sentence. Frye then moved for leave to amend to add a conflict-of-interest claim; the court denied the motion as futile because he had not shown that California's corrective process was unavailable or ineffective.

DISPOSITION

other

CASES CITED

- In re Friend, In re Friend, 11 Cal. 5th 720

- Letner v. Broomfield, No. 18-1459, 2022 WL 10626051 (E.D. Cal. Oct. 18, 2022)
- Coe v. Thurman, 922 F.2d 528, 531 (9th Cir. 1990)
- Hill v. Chappell, No. 12-4909, 2012 WL 2340875, at *4 (C.D. Cal. June 19, 2012)

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