

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Julian Daniel Romero v. Chance Andes, Warden

Romero · No. 25-cv-07079-YGR (PR) · Decided January 16, 2026

SUMMARY

The United States District Court for the Northern District of California dismissed Julian Daniel Romero’s 28 U.S.C. § 2254 habeas petition without prejudice. The court held that Romero had not exhausted his state remedies because he had not presented his Racial Justice Act claim to the California Supreme Court. The court permitted refiling after exhaustion and made no ruling on the timeliness of any future federal petition.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Gonzalez Rogers
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 16, 2026
DOCKET	25-cv-07079-YGR (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas petition under 28 U.S.C. § 2254 dismissed without prejudice for failure to exhaust state remedies.
STANDARD OF REVIEW	A federal district court must dismiss a federal habeas petition containing a claim for which available state remedies have not been exhausted.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.
PARTIES	Julian Daniel Romero v. Chance Andes, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- state post-conviction relief
- pleadings

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the federal habeas petition had to be dismissed because Romero had not fairly presented all of his claims, including his Racial Justice Act claim, to the California Supreme Court.
2. Whether the dismissal should be without prejudice to refiling after exhaustion of state remedies.

HOLDINGS

1. A state prisoner seeking federal habeas relief must first exhaust state judicial remedies by fairly presenting each federal claim to the state's highest court with jurisdiction to review it.
2. The petition must be dismissed without prejudice to refiling after Romero presents all claims he wishes to raise in federal court to the California Supreme Court.

KEY QUOTATIONS

“A federal district court must dismiss a federal habeas petition containing any claim as to which state remedies have not been exhausted.” (at 1)

“Accordingly, the Court DISMISSES the petition as unexhausted without prejudice to refiling once all claims he wishes to raise in federal court have been presented to the California Supreme Court.” (at 2)

FACTUAL BACKGROUND

Romero, a state prisoner, filed a federal habeas petition under 28 U.S.C. § 2254. The petition included a claim under California's Racial Justice Act, but the record did not show that Romero had presented that claim to the California Supreme Court. Romero provided no evidence that he had filed a state habeas petition raising the claim in that court.

PROCEDURAL HISTORY

Romero filed a federal petition for a writ of habeas corpus while held at San Quentin Rehabilitation Center. The action was reassigned from a magistrate judge after the Ninth Circuit held that a magistrate judge lacked jurisdiction to dismiss a case at initial screening when unserved defendants had not consented to proceed before the magistrate judge. The district court determined that Romero had not presented his Racial Justice Act claim to the California Supreme Court and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Williams v. King, 875 F.3d 500, 503 (9th Cir. 2017)
- Picard v. Connor, 404 U.S. 270, 275 (1971)
- Peterson v. Lampert, 319 F.3d 1153, 1155-56 (9th Cir. 2003) (en banc)
- O’Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)

- Rhines v. Weber, 544 U.S. 269, 273 (2005)

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