

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Raymond A. Treon v. Federal Bureau of Prisons

Treon · No. 1:25-cv-00279-HBK (HC) · Decided May 8, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Raymond A. Treon's § 2241 habeas petition as a motion to amend an earlier-filed habeas petition challenging the same sentence. The court directed the Clerk to re-file the petition in the earlier case, deemed the respondent's motions moot, and closed the present case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 8, 2025
DOCKET	1:25-cv-00279-HBK (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a second federal habeas petition under 28 U.S.C. § 2241 challenging the same sentence while an earlier habeas petition remained pending. The court construed the later petition as a motion to amend the earlier petition, directed the Clerk to refile it in the earlier case, deemed the respondent's motions moot, and closed this case.
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

- federal habeas corpus
- motion to amend
- successive petitions
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure

QUESTIONS PRESENTED

- Whether a pro se habeas petition filed while an earlier petition challenging the same sentence remains pending should be construed as a motion to amend the earlier petition.

2. Whether the later-filed habeas case should be closed after the petition is refiled as a motion to amend in the earlier case.

HOLDINGS

1. When a pro se petitioner files a habeas petition while an earlier petition challenging the same sentence remains pending, the later petition must be construed as a motion to amend the earlier petition under the circumstances presented here.
2. After construing the Petition as a motion to amend the earlier-filed petition, the court directed the Clerk to refile it in the earlier case, deemed the respondent's motions moot, and closed the separate case.

FACTUAL BACKGROUND

Raymond A. Treon, a federal prisoner proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court's records showed that Treon had already filed a federal habeas petition in the Eastern District of California challenging the same sentence, and that earlier petition was still pending. The court therefore treated the later filing as an amendment to the earlier petition rather than as a separate case.

PROCEDURAL HISTORY

Treon filed the petition on February 3, 2025, in the Eastern District of Missouri. The case was transferred to the Eastern District of California, where the court determined that Treon already had a pending federal habeas petition challenging the same sentence in case number 1:25-cv-00122-HBK. Relying on *Woods v. Carey*, the court construed the instant petition as a motion to amend the earlier petition, directed that it be refiled in that case, deemed the respondent's motions moot, and ordered this case closed.

DISPOSITION

other

CASES CITED

- *Woods v. Carey*, 525 F.3d 886, 889-90 (9th Cir. 2008)

OPINION

(HC) Treon v. Bureau of Prisons

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 RAYMOND A. TREON, Case No. 1:25-cv-00279-HBK (HC) 12 Petitioner, ORDER
CONSTRUING PETITION AS

MOTION TO AMEND PETITION IN CASE

13 v. NO. 1:25-cv-00122-HBK

14 FEDERAL BUREAU OF PRISONS., ORDER DIRECTING CLERK OF COURT TO
RE-FILE INSTANT PETITION AS MOTION

15 Respondent. TO AMEND IN CASE NO. 1:25-cv-00122-
HBK

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ORDER DIRECTING CLERK OF COURT TO

17 CLOSE THIS CASE

18 19 Petitioner Raymond A. Treon, a federal prisoner proceeding pro se, filed the instant 20
petition for writ of habeas corpus under 28 U.S.C. § 2241 on February 3, 2025 in the Eastern 21
District of Missouri. (Doc. No. 1, “Petition”). Subsequently, the case was transferred to the 22
Eastern District of California. (Doc. Nos. 3, 4). The Court takes judicial notice of its own files, 23
which reveal that Petitioner had previously filed a federal petition in this court challenging the 24
same sentence at case number 1:25-cv-00122-HBK. 25 In *Woods v. Carey*, the Ninth Circuit held
that, under certain circumstances, if a pro se 26 petitioner files a habeas petition during the
pendency of a previous petition, the district court 27 should construe the second petition as a
motion to amend the previous petition. 525 F.3d 886, 28 889-90 (9th Cir. 2008). Hence, *Woods*
appears to require a district court to construe a “second or 1 | successive” petition filed while an
earlier petition is still pending in the district court as a motion 2 | to amend the earlier petition. 3
Because Petitioner has a pending federal habeas petition at case number 1:25-cv-00122- 4 | HBK,
which challenges the same sentence as in this case, the Court must construe this Petition as 5 ||
a motion to amend the earlier-filed petition. See *Id.* at 889-90. 6 Accordingly, it is ORDERED: 7 1.
The Court construes the Petition (Doc. No. 1) as a motion to amend the petition in 8 case number
1:25-cv-00122-HBK. 9 2. The Clerk of Court is DIRECTED to docket the Petition in this case
(Doc. No. 1) as a 10 “Petitioner’s Motion to Amend” in case number 1:25-cv-00122-HBK. 11 3.
Respondent’s motion to dismiss and motion to vacate (Doc. No. 9) is MOOT. 12 4. The Clerk of
Court is directed to close this case. 13 "| Dated: _ May 8, 2025 Mihaw. Wh. foareh Zaskth

15 HELENA M. BARCH-KUCHTA

6 UNITED STATES MAGISTRATE JUDGE

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