

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Zuniga v. United States

Zuniga · No. 22cr2090-LL-2; 23cv773-LL · Decided July 28, 2025

SUMMARY

The United States District Court for the Southern District of California denied as moot Joseph Zuniga’s motion under 28 U.S.C. § 2255. The court concluded that the challenged federal hold related to a subsequent criminal case, in which Zuniga pleaded guilty, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 28, 2025
DOCKET	22cr2090-LL-2; 23cv773-LL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The district court denied the motion as moot and denied a certificate of appealability.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing § 2255 Proceedings, the court may dismiss a § 2255 motion when it plainly appears from the motion, exhibits, and record of prior proceedings that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Joseph Zuniga v. United States of America

TOPICS

- federal habeas corpus
- post-conviction relief
- sentencing
- due process
- criminal procedure

PRACTICE AREAS

- federal post-conviction relief
- criminal procedure
- sentencing

QUESTIONS PRESENTED

1. Whether Zuniga's challenge to a federal extradition hold stated a cognizable basis for relief under 28 U.S.C. § 2255.
2. Whether the § 2255 motion was moot after Zuniga was arraigned, pleaded guilty, and was sentenced in the subsequent federal criminal case.
3. Whether Zuniga was entitled to a certificate of appealability.

HOLDINGS

1. A § 2255 motion must allege an independent constitutional or federal-law violation, or another cognizable fundamental defect; Zuniga's motion did not allege such a violation.
2. Zuniga's challenge to the federal extradition hold was moot because the hold was connected to the subsequent federal case in which he had been arraigned, pleaded guilty, and sentenced.
3. A certificate of appealability was denied because Zuniga failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Under Rule 4 of the Rules Governing § 2255 Proceedings, this Court may dismiss a § 2255 motion if it “plainly appears” from the motion, attached exhibits, and the record of prior proceedings, that petitioner is not entitled to relief.” (at 1)

“Where the moving party does not allege a lack of jurisdiction or constitutional error, there is no basis for collateral relief under § 2255 unless the claimed error constituted a fundamental defect which inherently results in a ‘complete miscarriage of justice.’” (at 2)

“Additionally, Petitioner’s purported challenge to a federal extradition hold is no longer applicable given that he pled guilty in his criminal case, 22cr2090-LL. Accordingly, Petitioner’s Section 2255 Motion is DENIED AS MOOT.” (at 3)

FACTUAL BACKGROUND

Zuniga filed his motion while in state custody, challenging what he believed was a federal extradition hold arising from a previously dismissed federal case. The record showed that the hold instead arose from a subsequent federal indictment in case 22cr2090-LL. Zuniga was arraigned, pleaded guilty, and was sentenced to thirty months in that case, so the extradition-hold challenge was no longer applicable.

PROCEDURAL HISTORY

Zuniga filed the § 2255 motion on April 27, 2023 while in state custody, asserting that a federal extradition hold violated due process. He identified a previously dismissed federal case as the challenged conviction, but the court determined that the hold related to a subsequent federal prosecution. Zuniga was later arraigned, pleaded guilty, and was sentenced in that subsequent case, rendering the challenged hold no longer applicable.

DISPOSITION

CASES CITED

- United States v. Blaylock, 20 F.3d 1458, 1465 (9th Cir. 1994)
- Davis v. United States, 417 U.S. 333, 344-45 (1974)
- United States v. Berry, 624 F.3d 1031, 1038 (9th Cir. 2010)
- United States v. Wilcox, 640 F.2d 970, 972-73 (9th Cir. 1981)
- United States v. Addonizio, 442 U.S. 178, 184-85 (1979)
- United States v. Zazzara, 626 F.2d 135 (9th Cir. 1980)
- Conley v. United States, 323 F.3d 7, 14 (1st Cir. 2003) (en banc)
- Herrera v. Collins, 506 U.S. 390, 400 (1993)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JOSEPH ZUNIGA, Case Nos.: 22cr2090-LL-2; 23cv773-LL 12 Petitioner,
ORDER DENYING AS MOOT 13 v. MOTION TO VACATE, SET ASIDE, OR CORRECT
SENTENCE 14 UNITED STATES OF AMERICA, PURSUANT TO 28 U.S.C. § 2255 15
Respondent. [ECF No. 220 in 22cr2090-LL-2; ECF 16 No. 1 in 23cv773-LL] 17 18 19 Pending
before the Court is Petitioner Joseph Zuniga’s Motion to Vacate, Set Aside, 20 or Correct his
sentence pursuant to 28 U.S.C. § 2255.

ECF No. 220.1 Respondent United 21 States of America filed a Response in Opposition to
Petitioner’s Motion. ECF No. 349. 22 Under Rule 4 of the Rules Governing § 2255 Proceedings,
this Court may dismiss a § 2255 23 motion if it “plainly appears” from the motion, attached
exhibits, and the record of prior 24 proceedings, that petitioner is not entitled to relief.

See Rule 4 of the Rules Governing § 25 2255 Proceedings; see also United States v. Blaylock, 20
F.3d 1458, 1465 (9th Cir. 1994). 26 27 28 1 Having thoroughly considered the parties’ briefing, the
relevant record, and, in accordance 2 with Rule 4, the Court DENIES AS MOOT Petitioner’s
Motion. 3 I. BACKGROUND 4 Petitioner Zuniga filed the instant Motion on April 27, 2023 while
he was in state 5 custody.

ECF No. 220 at 1, 6. Petitioner stated the reason for his Petition was to “attack[] 6 [the] extradition
hold (federal).” Id. at 1. Petitioner stated that the case number of the 7 judgment of the conviction
being challenged was 20cr3145-AJB. Id. Petitioner further 8 stated that the federal case 20cr3145-
AJB was dismissed on March 17, 2021. Id. He stated 9 that the “grounds for relief” was due to a
“warrant in a closed close that was returned 10 executed but still shows as an active warrant to the
sheriffs[’] department violative of due 11 process.” Id. at 6.

12 As evidenced by the docket in case number 20cr3145-AJB, Petitioner's original 13 federal case was dismissed on March 17, 2021. See Docket. The federal hold that Zuniga 14 is challenging in his Motion to Vacate was placed on him due to his indictment in a 15 subsequent criminal case, 22cr2090-LL. Within a few days of Petitioner Zuniga filing his 16 Motion to Vacate, on May 3, 2023, he was arraigned on the indictment in his new criminal 17 case (22cr2090-LL).

ECF Nos. 226, 228. Petitioner Zuniga ultimately pled guilty in the 18 new criminal case. ECF No. 306. On February 26, 2024, Petitioner Zuniga was sentenced 19 to custody by the Court, at the Bureau of Prisons for a term of 30 months. ECF Nos. 319, 20 322. Zuniga's projected release date was on May 7, 2025. Id. 21 II. DISCUSSION 22 A federal prisoner making a collateral attack against the validity of his conviction or 23 sentence must do so by way of a motion to vacate, set aside, or correct the sentence pursuant 24 to 28 U.S.C. § 2255.

Section 2255 states: 25 A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was 26 imposed in violation of the Constitution or law of the United States, or that 27 the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise 28 1 subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

2 3 28 U.S.C. § 2255(a). Section "2255 encompasses a prisoner's claim of 'the right to be 4 released upon the ground that the sentence was imposed in violation of the Constitution or 5 laws of the United States.'" Davis v. United States, 417 U.S. 333, 344-45 (1974) (quoting 6 Section 2255). 7 "The Supreme Court has repeatedly stressed the limits of a § 2255 motion." United 8 States v. Berry, 624 F.3d 1031, 1038 (9th Cir.

2010). "Where the moving party does not 9 allege a lack of jurisdiction or constitutional error, there is no basis for collateral relief 10 under § 2255 unless the claimed error constituted a fundamental defect which inherently 11 results in a 'complete miscarriage of justice.'" United States v. Wilcox, 640 F.2d 970, 972- 12 73 (9th Cir. 1981) (quoting United States v. Addonizio, 442 U.S. 178, 185 (1979)). "For 13 example, the [Supreme] Court has cautioned that § 2255 may not be used as a chance at a 14 second appeal." Berry, 624 F.3d at 1038 (citing Addonizio, 442 U.S. at 184). "In United 15 States v. Zazzara, 626 F.2d 135 (9th Cir.

1980), we held that the use of perjured testimony 16 to obtain an indictment did not constitute a claim for § 2255 relief." Wilcox, 640 F.2d at 17 973. "Further, short of proof of actual innocence, claims solely based on new evidence are 18 generally not cognizable on habeas." Berry, 624 F.3d at 1038 (citing Conley v. United 19 States, 323 F.3d 7, 14 (1st Cir.

2003) (en banc) ("Merely to claim that new evidence casts 20 doubt, even grave doubt, on the correctness of a conviction is not a ground for relief on 21 collateral attack.")). "Rather, a motion

under § 2255 must be based upon an independent constitutional violation.” Id. (citing *Herrera v. Collins*, 506 U.S. 390, 400 (1993) (“[N]ewly discovered evidence... alleged in a habeas application... must bear upon the constitutionality of the applicant’s detention; the existence merely of newly discovered evidence relevant to the guilt of a state prisoner is not a ground for relief on federal habeas corpus.”)).

In Petitioner’s Section 2255 Motion, Zuniga fails to allege any constitutional violation or violation of any other federal law. Based on the Court’s review of the record, it appears that Petitioner was mistaken in his assertion that the federal hold was placed on him in his previously closed case (20cr3145-AJB), as it is evident from the record that it was placed on him in connection with the new federal case.

Not only was Zuniga’s Section 4 Motion filed well before he was sentenced in the instant federal criminal case, it was filed before he was even arraigned on the indictment in the federal criminal case. Additionally, Petitioner’s purported challenge to a federal extradition hold is no longer applicable given that he pled guilty in his criminal case, 22cr2090-LL.

Accordingly, Petitioner’s Section 2255 Motion is DENIED AS MOOT. A certificate of appealability is authorized “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Zuniga has failed to allege that he has been denied any constitutional right. A certificate of appealability is denied.

IT IS SO ORDERED. Dated: July 28, 2025 NO DE Honorable Linda Lopez
United States District Judge