

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lisa Marie Perez v. Lavelle Parker

Perez v. Parker · No. 2:24-cv-03285-DJC-SCR · Decided October 20, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Lisa Marie Perez’s habeas corpus petition under 28 U.S.C. § 2254. The court concluded that the petition was second or successive because it challenged the same state-court judgment as an earlier petition and further held that the sentencing-credit claims were not cognizable on federal habeas review.

OPINION

Parker

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 LISA MARIE PEREZ, No. 2:24-cv-03285-DJC-SCR P

12 Petitioner, 13 v. ORDER 14 LAVELLE PARKER, Warden, 15 Respondent. 16 17 Petitioner, a
state prisoner proceeding pro se, filed an application for a writ of 18 habeas corpus pursuant to 28
U.S.C. § 2254. The matter was referred to a United 19 States Magistrate Judge pursuant to 28
U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On May 29, 2025, the Magistrate Judge filed
findings and recommendations 21 herein which were served on petitioner and which contained
notice to petitioner that 22 any objections to the findings and recommendations were to be filed
within twenty- 23 one days. Petitioner filed objections to the findings and recommendations. 24 In
accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 25 304, this Court has
conducted a de novo review of this case. Petitioner argues in her 26 objections that the credits she
is challenging as having been properly denied in this 27 case differ from those she is challenging
in *Belyew v. Parker*, No. 2:19-cv-0294-DAD- 28 AC (E.D. Cal.). Even if that is the case, the
present application is second or successive 1 | as it challenges the same state court judgment
challenged in an earlier petition. See 2 | 28U.S.C. § 2244(b); see also *Magwood v. Peterson*, 561
U.S. 320, 332 (2010). Where 3 | a petitioner's claims are second or successive, they must obtain
leave from the Ninth 4 | Circuit before filing a petition. See *Magwood*, 541 U.S. at 331; see also
Burton v. 5 | Stewart, 549 U.S. 147, 157 (2007). 6 Moreover, even on the merits, her claims in this
case must be summarily denied 7 | for the same reasons her similar claim regarding sentencing

credits in the petition in 8 | case number 2:19-cv-0294 was summarily denied: “Errors of state law do not come 9 | within the scope of federal habeas jurisdiction, *Estelle v. McGuire*, 502 U.S. [62, 67 10 | (1991)], and sentencing is a quintessentially state law matter that is not reviewable in 11 | federal habeas. See *Miller v. Vasquez*, 868 F.2d 1116, 1118-19 (9th Cir. 1989) 12 | (question of state sentencing law are not cognizable in federal habeas). Petitioner 13 | cannot transform her state law issues into federal ones merely by invoking the federal 14 | constitution. See *Langford v. Day*, 110 F.3d 1380 (9th Cir. 1997)].” See 2:19-cv-0294, 15 | ECF No. 77 at 38. Thus, even if the petitioner is not duplicative, second, or successive, 16 | her petition must be dismissed. 17 Accordingly, IT IS HEREBY ORDERED that: 18 1. The Findings and Recommendations (ECF No. 7) are adopted in part; 19 2. Petitioner's habeas corpus application (ECF No. 1) is dismissed; and 20 3. The Clerk of Court is directed to close this case. 21 4. The Court declines to issue the certificate of appealability referenced in 28 22 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial 23 of a constitutional right, see 28 U.S.C. § 2253(c)(2). 24 95 IT IS SO ORDERED. 26 | Dated: _October 20, 2025 Donel J Cob tto— Hon. Daniel alabretta
27 UNITED STATES DISTRICT JUDGE

28