

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Lucion Lee Edward Banks v. David Holbrook

Case No. 2:24-cv-05121-PA-GJS · No. 2:24-cv-05121-PA-GJS · Decided July 3, 2025

SUMMARY

The United States District Court for the Central District of California accepts the magistrate judge’s amended Report and Recommendation and denies Lucion Lee Edward Banks’s state habeas petition. The court rejects objections alleging the use of false evidence and ineffective assistance of trial and appellate counsel concerning forensic cellphone evidence. The action is dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 3, 2025
DOCKET	2:24-cv-05121-PA-GJS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial of the petition and dismissal with prejudice, the district court reviewed the petition, the record, the amended report and recommendation, and Petitioner's objections de novo as to the objected-to portions.
STANDARD OF REVIEW	The district court made a de novo determination of the portions of the magistrate judge's report and recommendation to which objections were made. The court reviewed the state courts' adjudication under the federal habeas standard and asked whether the California Supreme Court's rejection of each claim was objectively unreasonable. State-court factual findings were entitled to a presumption of correctness that Petitioner could overcome only with clear and convincing evidence.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and no reporter citation appears.
PARTIES	Lucion Lee Edward Banks v. David Holbrook

TOPICS

federal habeas corpus

post-conviction relief

evidence

due process

constitutional law

PRACTICE AREAS

federal habeas corpus

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evidence

QUESTIONS PRESENTED

1. Whether the California Supreme Court's rejection of Petitioner's Napue false-evidence claim was objectively unreasonable under federal habeas review.
2. Whether the California Supreme Court's rejection of Petitioner's ineffective-assistance claim based on trial counsel's failure to hire a forensic cellphone expert was objectively unreasonable.
3. Whether the California Supreme Court's rejection of Petitioner's ineffective-assistance claim based on appellate counsel's use of forensic cellphone evidence was objectively unreasonable.

HOLDINGS

1. The California Supreme Court's rejection of Petitioner's claim that the prosecution presented false text-message evidence was not objectively unreasonable because Petitioner failed to establish that the evidence was false.
2. The California Supreme Court's rejection of Petitioner's ineffective-assistance claim was not objectively unreasonable because trial counsel's decision not to hire a forensic cellphone expert was a reasonable strategic decision, and any prejudice was speculative.
3. The California Supreme Court's rejection of Petitioner's claim that appellate counsel was ineffective in using forensic cellphone evidence was not objectively unreasonable because counsel undertook significant investigation and acted within the wide range of reasonable professional assistance.

KEY QUOTATIONS

“it would require an inferential leap outside ‘the realm of possibility’” (at 2)

“I feel like the upshot of all of this is that the data on the phones support, rather than undermine, the prosecution narrative” (at 3)

FACTUAL BACKGROUND

Petitioner challenged the use of text messages exchanged between him and the victim, claiming that the prosecution presented false evidence. He also claimed that trial counsel was ineffective for failing to hire a forensic cellphone expert and that appellate counsel was ineffective in using forensic cellphone evidence. State trial courts held evidentiary hearings, found no persuasive evidence that the prosecution or an evidence technician had manufactured evidence, and found that trial counsel made a strategic decision not to retain an expert after reviewing the records.

PROCEDURAL HISTORY

The magistrate judge recommended denying the state-prisoner habeas petition and dismissing the action with prejudice. Petitioner objected to the recommendation, challenging the state courts' rejection of his false-evidence claim and his ineffective-assistance claims concerning trial and appellate counsel. The district court overruled the objections, accepted the amended report and recommendation, denied the petition, and ordered judgment dismissing the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Napue v. Illinois*, 360 U.S. 264 (1959)
- *Strickland v. Washington*, 466 U.S. 668 (1984)