

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward Harry Constable v. United States District Court

Constable · No. 2:25-cv-1434 AC P · Decided November 5, 2025

SUMMARY

The United States District Court for the Eastern District of California grants petitioner Edward Harry Constable’s application to proceed in forma pauperis. The magistrate judge recommends dismissal without prejudice of his 28 U.S.C. § 2254 petition challenging his California credit-earning rate because the claim presents an issue of state law and is unexhausted. The order directs random assignment of a district judge and permits objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 5, 2025
DOCKET	2:25-cv-1434 AC P
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and an application to proceed in forma pauperis. A magistrate judge granted in forma pauperis status and issued findings and recommendations that the habeas petition be dismissed without prejudice.
STANDARD OF REVIEW	At the Rule 4 screening stage, the court must summarily dismiss a § 2254 petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court may sua sponte consider exhaustion and other threshold habeas constraints.
PRECEDENTIAL VALUE	unpublished
PARTIES	Edward Harry Constable v. United States District Court

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the petition stated a claim cognizable under federal habeas jurisdiction when it challenged the interpretation or application of California sentencing and credit-earning laws.
2. Whether the petition should be dismissed for failure to exhaust available state remedies.
3. Whether petitioner should be granted leave to proceed in forma pauperis.

HOLDINGS

1. A claim challenging only the interpretation or application of California sentencing or credit-earning laws does not present a ground for relief cognizable in federal habeas under 28 U.S.C. § 2254.
2. A § 2254 petition must be dismissed without prejudice when the petitioner has not fairly presented the asserted federal claims to the highest available state court.
3. Petitioner was entitled to proceed in forma pauperis because the application showed that he could not afford the costs of suit.

KEY QUOTATIONS

“If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.” (at 1)

“federal habeas corpus relief does not lie for errors of state law.” (at 1)

“it is not the province of a federal habeas court to reexamine state-court determinations on state-law questions.” (at 1)

FACTUAL BACKGROUND

Petitioner, a California state prisoner, challenged his credit-earning rate and asserted that he had been convicted of a serious nonviolent felony and sentenced to one-third of the middle term in a Proposition 57 case. He claimed that he should receive a 50 percent or one-half credit-term rating and attributed the sentence to the trial judge. The petition did not establish a federal constitutional claim and provided no substantiated information showing that the claims had been presented to the California Court of Appeal or California Supreme Court.

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition challenging his credit-earning rate and allegedly imposed sentence. The magistrate judge determined that the claims concerned interpretation and application of California sentencing and credits law, making them noncognizable on federal habeas review. The court also determined that the claims were unexhausted and recommended dismissal without prejudice, subject to objections and review by an assigned district judge.

DISPOSITION

dismissed

CASES CITED

- *Atkins v. Montgomery*, No. 20-56007, 2024 WL 3594386, at *2 (9th Cir. 2024)
- *Day v. McDonough*, 547 U.S. 198, 206 (2006)
- *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990)
- *Estelle v. McGuire*, 502 U.S. 62, 67-68 (1991)
- *Middleton v. Cupp*, 768 F.2d 1083, 1085 (9th Cir. 1985)
- *Washington v. Lundy*, No. 2:24-cv-2242 BBM MAA, 2025 WL 1085106, at *3 (C.D. Cal. Jan. 17, 2025)
- *Grandberry v. Soto*, No. 15-cv-7435 DMC JC, 2016 WL 8732426, at *4 (C.D. Cal. June 15, 2016)
- *Kitchen v. Jaime*, No. 18-cv-6514 JEM, 2021 WL 597874, at *7-8 (C.D. Cal. Feb. 16, 2021)
- *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

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