

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Jamelle Edward Armstrong v. Giselle Matteson

Armstrong v. Matteson · No. 2:22-cv-01019-CAS-MAA · Decided August 25, 2025

OPINION

Jamelle Edward Armstrong v. Giselle Matteson

PER CURIAM.

1 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 i JAMELLE EDWARD ARMSTRONG, ? Case No. 2:22-cv-01019-CAS-MAA 12 Petitioner,

ORDER ACCEPTING FINDINGS

AND RECOMMENDATIONS OF

13 v. UNITED STATES MAGISTRATE

14 JUDGE

GISELLE MATTESON, Warden, I5 California State Prison, Solano, 16 7 Respondent. 18

19 I. INTRODUCTION

20 21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of 22 || Habeas
Corpus (dkt. 1, “Pet.”), all of the records herein, the Report and 23 || Recommendation of United
States Magistrate Judge (dkt. 27, the “Report”), and 24 Objections to the Magistrate Judge’s
Report and Recommendation (dkt. 28, the 25 “Obj.””). Pursuant to 28 U.S.C. § 636(b)(1)(C) and
Fed. R. Civ. P. 72(b), the Court 26 || has conducted a de novo review of those portions of the
Report to which objections 27 1 have been stated. Having completed its review, the Court accepts
the findings and 2 recommendations set forth in the Report. 3

II. BACKGROUND

4 5 On April 22, 2004, Petitioner Jamelle Edward Armstrong (“Petitioner”) was 6 convicted of
murder, robbery, kidnapping, rape, sexual penetration by a foreign 7 object, and torture in Los
Angeles County Superior Court. Report at 2. On May 8 10, 2004, the jury returned a sentence of
death, and on July 16, 2004, the trial court 9 sentenced Petitioner to death. Id. 10 Petitioner’s
conviction was automatically appealed to the California 11 Supreme Court. Id. While the direct
appeal was pending, on December 7, 2018, 12 Petitioner filed a petition for writ of habeas corpus
in the California Supreme 13 Court, which was denied without prejudice on November 26, 2019.
Id. On

14 February 4, 2019, the California Supreme Court affirmed Petitioner’s convictions

15 but reversed the death sentence, because the trial court improperly excused 16 multiple

prospective jurors for cause. Id. Petitioner's petition for rehearing in the 17 California Supreme Court and subsequent petition for writ of certiorari in the 18 United States Supreme Court were denied respectively on March 20, 2019 and 19 November 4, 2019. Id.

20 On remand to the Los Angeles County Superior Court, the People elected 21 not to retry Petitioner seeking the death penalty. Id. On March 30, 2021, 22 Petitioner was sentenced to life in prison without the possibility of parole. Id. 23 On February 15, 2022, Petitioner filed the instant Petition for Writ of Habeas 24 Corpus ("Petition"), asserting that the state prosecutor and state trial court violated 25 his Batson rights. Dkt. 1. Specifically, Petitioner argues that the prosecutor's 26 peremptory challenges of four Black male jurors were racially motivated and her 27 proffered "race-neutral" explanations were pretextual. Id. at 61. On August 7, 1 2023, the Hon. Louise A. LaMothe, United States Magistrate Judge, issued a 2 Report and Recommendation, recommending that the Court deny Petitioner's 3 claim. Report at 48. On August 28, 2023, Petitioner filed his Objections. Obj. at 4 1. 5

III. LEGAL STANDARD

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7 Under 28 U.S.C. § 2254(d), as amended by the Antiterrorism and Effective 8 Death Penalty Act of 1996 ("AEDPA"), a state prisoner whose claim has been 9 "adjudicated on the merits" cannot obtain federal habeas relief unless that 10 adjudication: (1) resulted in a decision that was contrary to, or involved an 11 unreasonable application of, clearly established federal law, as determined by the 12 Supreme Court of the United States; or (2) resulted in a decision that was based on 13 an unreasonable determination of the facts in light of the evidence presented in the 14 State court proceeding. "AEDPA imposes a highly deferential standard for 15 evaluating state-court rulings and demands that state-court decisions be given the 16 benefit of the doubt." *Felkner v. Jackson*, 562 U.S. 594, 598 (2011) (citations and 17 quotations omitted). 18 The Equal Protection Clause prohibits the exercise of a peremptory 19 challenge solely on the basis of a prospective juror's race. *Batson v. Kentucky*, 20 476 U.S. 79, 89 (1986). In *Batson*, the Supreme Court established a three-step 21 process for the trial court to use in adjudicating a claim that a peremptory 22 challenge was based on race. First, the defendant must make a prima facie 23 showing that the prosecution has exercised a peremptory challenge on the basis of 24 race. Id. That is, the defendant bears the burden of demonstrating that the facts 25 and circumstances of the case "raise an inference" that the prosecution has 26 excluded venire members from the jury solely on account of their race. Id. 27 Second, if a defendant makes this prima facie showing, the burden shifts to the 1 prosecution to provide a neutral explanation for its challenge. Id. at 97. Third and 2 finally, "[t]he trial court will then have the duty to determine if the defendant has 3 established purposeful discrimination." Id. at 98. At this third step, the court must 4 evaluate the credibility of the prosecutor's proffered justifications to determine 5 whether they are genuine. *Purkett v. Elem*, 514 U.S. 765, 769 (1995). 6 When applying the "deferential AEDPA standard in

the Batson context, we 7 end up with a standard of review that is ‘doubly deferential,’ because the federal 8 court defers to the state reviewing court’s determination of the facts, and the 9 reviewing court defers to the trial court’s determination of the prosecutor’s 10 credibility. This doubly deferential standard means that ‘unless the state appellate 11 court was objectively unreasonable in concluding that a trial court’s credibility 12 determination was supported by substantial evidence, we must uphold it.’” 13 *Sifuentes v. Brazelton*, 825 F.3d 506, 518 (9th Cir. 2016) (citations omitted). 14

IV. DISCUSSION

15 16 Petitioner argues that the Report must be rejected because (1) the California 17 Supreme Court “condemned the prosecutor for unprofessional, misleading, and 18 deceptive conduct,” casting doubt on its ultimate holding that the prosecutor’s 19 proffered “race-neutral” reasons were genuine; and (2) the reasons offered for 20 striking the four jurors—S.L., R.C., E.W., and R.P.—were pretextual. *Obj.* at 2-3. 21 The Court addresses each objection in turn. 22 A. General Objection Regarding the Prosecutor’s Subjective Intent 23 24 Before presenting specific objections regarding each stricken Black male 25 juror, Petitioner objects generally to the Magistrate Judge’s “ignor[ance]” or 26 “discount[ing]” of the California Supreme Court’s purported finding that the 27 1 prosecutor in this case lacked sincerity. *Obj.* at 2. Petitioner contends that the 2 California Supreme Court “condemned” the prosecutor for “improper [for cause] 3 challenges that resulted in the death [penalty] reversal, [] knowingly keeping 4 exculpatory facts in Petitioner’s confession from the jury, [and] suppressing an 5 exculpatory toxicology report.” *Id.* Petitioner also asserts that the California 6 Supreme Court “generally... accus[ed] the prosecutor of misleading the jury.” *Id.* 7 Petitioner therefore argues that the California Supreme Court unreasonably applied 8 federal law and did not examine the totality of the circumstances, because while it 9 condemned the prosecutor for “misleading” and “deceptive” conduct, it relied upon 10 the prosecutor’s “sincerity” to deny Petitioner’s Batson claim. *Id.* 11 The Court recognizes that, in evaluating the plausibility of the prosecutor’s 12 explanation for a challenged strike, the state trial court must “evaluate[] the 13 ‘totality of the relevant facts’ to decide ‘whether [the prosecutor]’s race-neutral 14 explanation for [the] peremptory challenge[s] should be believed.’” *Ali v. 15 Hickman*, 584 F.3d 1174, 1180 (9th Cir. 2009). In *Flowers*, the United States 16 Supreme Court provided the following examples of evidence that “defendants may 17 present” to support a Batson claim: 18 • statistical evidence about the prosecutor’s use of peremptory strikes against 19 black prospective jurors as compared to white prospective jurors in the case; 20 • evidence of a prosecutor’s disparate questioning and investigation of black 21 and white prospective jurors in the case; 22 • side-by-side comparisons of black prospective jurors who were struck and 23 white prospective jurors who were not struck in the case; 24 • a prosecutor’s misrepresentations of the record when defending the strikes 25 during the Batson hearing; 26 • relevant history of the State’s peremptory strikes in past cases; or 27 1 • other relevant circumstances that bear upon the issue of racial 2 discrimination. 3 *Flowers v.*

Mississippi, 588 U.S. 284, 302 (2019).¹ Here, Petitioner appears to argue that the prosecutor's misconduct in closing argument, improper striking of 5 jurors for cause, and successful motions to exclude certain evidence are "other 6 relevant circumstances that bear upon the issue of racial discrimination." ⁷ However, the Court finds that each of these inquiries are distinct from the issue at 8 hand: whether the California Supreme Court was objectively unreasonable in 9 concluding that there was substantial evidence for the state trial court's finding that 10 the prosecutor's race-neutral explanations for the challenged peremptory strikes 11 were credible. 12 Petitioner has not shown how the other identified actions of the prosecutor in 13 this case "bear upon the issue" of whether the prosecutor acted with purposeful 14 discrimination when striking S.L., R.C., E.W., and R.P. from the jury. The only 15 conduct related to jury selection that Petitioner urges the Court to consider here as 16 "other relevant circumstances"—the improper excusal of jurors for cause—does 17 18 1 Flowers is not cited in the California Supreme Court's decision, as it had not yet 19 been decided. Nevertheless, the Court notes that Petitioner presented, and the California Supreme Court considered, several of the categories of evidence that 20 Flowers describes as "example[s]" of what "defendants may present." Flowers, 21 588 U.S. at 302. Namely, Petitioner argued before the California Supreme Court that his Batson claim was supported by statistical evidence, in that 100% of Black 22 men were stricken; evidence of the prosecutor's disparate questioning of Black and 23 white prospective jurors; side-by-side comparisons of Black prospective jurors who were struck and white prospective jurors who were not struck, i.e., 24 comparative juror analysis; and the prosecutor's misrepresentations of the record in 25 the Batson hearing, especially as it related to E.W. See *People v. Armstrong*, 6 Cal. 5th 735, 768–85 (2019). The California Supreme Court issued a reasoned 26 decision rejecting these arguments for each challenged juror, and holding that 27 substantial evidence supported the state trial court's finding that the prosecutor's race-neutral reasons for striking S.L., R.C., E.W., and R.P. were genuine. *Id.* 1 not appear to be related to race at all. Cf. *Jackson v. Broomfield*, No. 22-55937, 2 2024 WL 1367169, at *2 (9th Cir. Apr. 1, 2024) (affirming the granting of habeas 3 relief on a Batson claim when some of the reasons provided by the prosecutor for 4 striking potential Black jurors were not legitimate, and finding that this conclusion 5 was bolstered by other relevant evidence, including that 100% of Black jurors were 6 struck and that they were struck in the prosecutor's first seven of his 18 7 peremptory strikes). 8 9 B. Specific Objections to the Proffered Reasons for Peremptory Strikes Against Prospective Black Male Jurors 10 11 Next, Petitioner objects to the Report's analysis of each stricken Black male 12 juror, which the Court analyzes in turn. However, as an initial matter, the Court 13 notes its agreement with the Magistrate Judge that "'neither the Supreme Court nor 14 [the Ninth Circuit] has recognized that a combined gender and race class, such as 15 [Black men], is a cognizable group' for purposes of a Batson inquiry." Report at 16 35 (citing *Nguyen v. Fraenheim*, 45 F.4th 1094, 1099 (9th Cir. 2022)). "As such, 17 considering a mixed gender and race class under Batson would require applying a 18 new rule, which is barred by *Teague v. Lane*." *Id.* Accordingly, the Court agrees 19 with the Magistrate Judge that Petitioner's claims

must be analyzed on the basis of 20 discrimination against African Americans, not discrimination against African 21 American men. In the present case, one African American woman ultimately 22 served on Petitioner’s jury, which may indicate the prosecutor’s nondiscriminatory 23 motive. See *Gonzalez v. Brown*, 585 F.3d 1202, 1210 (9th Cir. 2009) (“The fact 24 that African–American jurors remained on the panel [at the time of the Batson 25 motion] ‘may be considered indicative of a nondiscriminatory motive.’”). 26 27

1. S.L.

1 2 As for S.L., Petitioner contends that the Magistrate Judge “ignored” a large 3 part of the record and did not consider the totality of the circumstances, as 4 mandated by *Flowers*. Obj. at 4. For example, Petitioner states that the Magistrate 5 Judge ignored the prosecutor’s “utterly ridiculous” claim that S.L. was not paying 6 close attention during the voir dire of other jurors. Id. Petitioner also states that 7 the Magistrate Judge did not properly address the comparative analysis set forth in 8 the Petition. Id. For example, while the prosecutor relied on S.L.’s statement that 9 he would vote for life imprisonment if there was any chance of rehabilitation, and 10 that he would lean toward life imprisonment if this was Petitioner’s “first hateful 11 act,” Petitioner asserts that no sitting white juror—many of whom also believed 12 that rehabilitation was significant—were asked the same line of questioning. Id. 13 Additionally, Petitioner disputes the Magistrate Judge’s reliance on the fact that the 14 prosecutor excused some white jurors with similar beliefs, arguing that pursuant to 15 *Flowers*, such strikes are meaningless “if the number of white prospective jurors 16 overwhelmingly outnumbers the number of [B]lack prospective jurors.” Id. 17 Next, Petitioner contends that the Magistrate Judge ignored that the 18 prosecutor urged the state trial court to follow the “wrong law” when she said that 19 a single Batson challenge is unsustainable because “no pattern had been 20 established,” and even urged sanctions upon counsel for making the first 21 peremptory challenge. Id. at 5. Petitioner asserts that, given the prosecutor’s 22 misconduct in jury selection, “it can be properly inferred that this misciting of the 23 law was also intentional.” Id. Finally, Petitioner states that the Magistrate Judge 24 ignored the fact that after his initial voir dire, S.L. “freely admitted” to the state 25 trial court and counsel that he had reconsidered his position and found himself 26 more in favor of the death penalty than previously communicated. Id. Petitioner 27 1 argues that the prosecutor should have attempted to learn “what S.L. meant by 2 this,” but never asked follow-up questions, revealing her true intent. Id. 3 The Court agrees with the Magistrate Judge that the white jurors at issue in 4 Petitioner’s comparative analysis were not similarly situated to S.L., and therefore 5 do not provide sufficient evidence of pretext to render the California Supreme 6 Court’s decision unreasonable. This is because “none of these [white] jurors 7 answered as Petitioner did to both questions—saying that life in prison was 8 ‘worse’ and a ‘more severe punishment [than the death penalty].” Report at 38. 9 “Ambiguity as to whether a juror would be able to give appropriate consideration 10 to imposing the death penalty is a legitimate and reasonable basis for striking a 11 juror.” *Sifuentes v. Brazelton*, 825 F.3d 506, 523 (9th Cir. 2016) (citing *White v. 12 Wheeler*, 577 U.S. 73, 79 (2015)).

This finding bolsters the state trial court's ruling that the prosecutor's proffered race-neutral reasons for striking S.L. were genuine, especially given the deference owed to the trial court's determination. Further, the Court agrees with the Magistrate Judge that "the more detailed and lengthy inquiry into S.L. was an attempt to clarify S.L.'s ambiguous answers rather than evidence of 'dramatically disparate questioning' based on race."

Report at 40. Finally, the Court finds that the Magistrate Judge did not "ignore" the other factors set forth by Petitioner, but rather found that "Petitioner does not explain how these events demonstrate purposeful racial discrimination in the prosecutor's exercise of a peremptory challenge against S.L. or overcome the deference due to the trial court's credibility findings." Id. The Court acknowledges that "[i]n exercising peremptory strikes against [jurors in capital cases], both the prosecution and the defense may be required to make fine judgment calls about which jurors are more or less willing to vote for the ultimate punishment. These judgment calls may involve a comparison of responses that differ in only nuanced respects and may involve a sensitive assessment of jurors' demeanor." *Stevens v. Davis*, 25 F.4th 1141, 1152 (9th Cir. 2022) (citations and quotations omitted). As such, "[t]he Supreme Court has indicated that appellate courts must be cautious in capital cases not to 'second-guess a trial judge's decision' on the basis of a 'cold record.'" Id. Given the state trial court's acceptance of the prosecutor's race-neutral justification, which is supported by the record, as well as the deferential AEDPA standard, the Court finds that the California Supreme Court was not objectively unreasonable in ruling that the prosecutor held a genuine race-neutral reason for striking S.L. 2. R.C. As for R.C., Petitioner objects to the Magistrate Judge's characterization of the "argument" between him and the prosecutor as the juror's fault. Obj. at 6. Petitioner contends that on five separate occasions, R.C. stated that while he had no personal preference as to one penalty over the other, he was "more than capable of following" California's death penalty law. Id. Petitioner states that several of the sitting white jurors also indicated that they had no personal preference, but none were questioned about it. Id. Petitioner thus argues that R.C. was prodded and harassed by the prosecutor with the same question over and over again, making the prosecutor responsible for the argument. Id. The Court agrees with the Magistrate Judge's finding that the California Supreme Court was not objectively unreasonable in finding that the "combative exchanges" between R.C. and the prosecutor were a genuinely offered, race-neutral justification for striking R.C. Report at 41. The California Supreme Court and the Magistrate Judge were correct to defer to the state trial court's summary of R.C.'s answers to the prosecutor as "You'll have to find out later." Id. at 42. R.C.'s non-responsiveness and "friction" with the prosecutor are race-neutral reasons for the prosecutor's striking of R.C. See *Sifuentes v. Brazelton*, 825 F.3d 506, 531 (9th Cir. 2016) (holding that "the California Court of Appeal's conclusion that the trial court's credibility finding was supported by substantial evidence is not an objectively unreasonable determination of the facts" when the prosecutor stated that the juror at issue was "totally nonresponsive" to questions regarding the

death penalty); *United States v. Power*, 881 F.2d 733, 740 (9th Cir. 5 1989) (finding that the prosecutor's stated fear that a juror "might be hostile to the 6 government" constituted a race-neutral reason for striking that juror). The Court 7 further agrees with the Magistrate Judge's determination that the white jurors at 8 issue in Petitioner's comparative analysis were not similarly situated to R.C., 9 because they did not have any "friction" with the prosecutor. 10 While Petitioner argues that the prosecutor, not R.C., was responsible for the 11 friction between them, the Court finds that the California Supreme Court and the 12 Magistrate Judge correctly deferred to the credibility determination of the state trial 13 court on this issue, as required by *Batson*. Regarding R.C., the state trial court 14 specifically found that he was a "belligerent and hostile juror toward the 15 prosecutor." Report at 42. Because "determinations of credibility and demeanor 16 lie 'peculiarly within a trial judge's province,'" the Court does not find that the 17 California Supreme Court was objectively unreasonable in ruling that the 18 prosecutor's race-neutral reasons for striking R.C. were sincere. See *Snyder v. 19 Louisiana*, 552 U.S. 472, 477 (2008). 20 3. E.W. 21 As for E.W., Petitioner objects to the Magistrate Judge's acceptance of the 22 California Supreme Court's finding that E.W.'s views about the imposition of the 23 death penalty were the prime motivation for this peremptory challenge. Obj. at 7. 24 Petitioner argues that the Magistrate Judge erroneously relied on E.W.'s statement 25 that life imprisonment was more severe than the death penalty and that the death 26 penalty was administered too slowly, and on the fact that the prosecutor excused 27 some white prospective jurors with the same views as E.W. Id. Petitioner again 1 argues that what matters is which jurors remain on the jury, not which are excused, 2 and that many of the sitting white jurors had the same opinions of the four Black 3 male jurors who were stricken. Id. 4 Next, Petitioner objects to the Magistrate Judge's "discounting" of the 5 prosecutor's on-the-record statement that one of the reasons she excused E.W. was 6 that she could not trust an engineer to hold the prosecutor to the correct standard of 7 proof. Id. Petitioner argues that this is further evidence of the prosecutor's 8 insincerity, because E.W. stated that he could impose the death penalty. Id. at 8. 9 Petitioner states that contrary to the Report, it is not true that E.W. could not 10 affirmatively state that he was in favor of the death penalty. Id. Further, 11 Petitioner states that the prosecutor allowed sitting white Juror #11, also an 12 engineer, to remain on the jury. Id. Finally, Petitioner states that the Magistrate 13 Judge ignored the prosecutor's remark that she was worried that E.W. knew too 14 much about the law because he understood the terms "intent" and "aiding and 15 abetting"—terms that, according to Petitioner, are used in everyday conversation, 16 and terms that were not the subject of questioning for other jurors. Id. 17 The Court finds that the Magistrate Judge was correct in determining that the 18 California Supreme Court did not act unreasonably in deferring to the state trial 19 court's acceptance of the prosecutor's race-neutral reasons for striking E.W. While 20 the Magistrate Judge "agree[d]" with Petitioner's assertion that "E.W. stated that 21 he could faithfully follow the law and... would be able to vote for death in certain 22 instances," the Magistrate Judge correctly pointed out that "the prosecutor was not 23 prohibited from using

peremptory challenges against prospective jurors who 24 expressed more reservations or hesitancy in voting for death over life in prison 25 than others.” Report at 44. Further, the Magistrate Judge was correct in finding 26 that “[d]espite his willingness to follow the law, E.W.’s answers could objectively 27 be characterized as being equivocal on use of the death penalty,” and it was 1 reasonable for the trial court to credibly find that E.W. was more skeptical of the 2 death penalty than other comparable jurors. *Id.* See, e.g., *Stevens v. Davis*, 25 3 F.4th 1141, 1157 (9th Cir. 2022) (“Each of these prospective jurors expressed 4 some ambivalence regarding imposing the death penalty, but the comparisons do 5 not provide sufficient evidence of pretext to render the California Supreme Court’s 6 ultimate factual determination objectively unreasonable.”). 7 As for the issue of E.W.’s profession, the Court concludes that the 8 Magistrate Judge was correct in finding that such reasoning for a strike is race- 9 neutral, as “[e]xcluding jurors because of their profession... is wholly within the 10 prosecutor’s prerogative.” See *United States v. Thompson*, 827 F.2d 1254, 1260 11 (9th Cir. 1987). Petitioner argues that the fact that Juror #11, also an engineer, was 12 permitted to remain, shows discriminatory purpose in striking E.W. However, the 13 Court determines that the California Supreme Court was not objectively 14 unreasonable in finding that because Juror #11’s views on the death penalty 15 differed from E.W.’s views, the prosecutor’s reliance on E.W.’s profession was 16 sincere. See *People v. Armstrong*, 6 Cal. 5th 735, 780 (2019) (“Unlike E.W., Juror 17 No. 11 indicated death was a more severe punishment than life in prison. Unlike 18 E.W., Juror No. 11 did not think the state should consider abandoning the death 19 penalty. An engineer with these views might be acceptable, even if not ideal, 20 while an engineer with views like E.W.’s was deemed too big a risk to take in 21 selecting the jury.”). 22 The California Supreme Court was also not objectively unreasonable in 23 relying on the fact that the prosecutor did not identify E.W.’s profession as “one of 24 the two things that really bother me” about E.W., but rather, as one of eight reasons 25 in a longer list of proffered explanations. See *id.* at 782 (“The prosecutor herself 26 highlighted the considerations that concerned her most. The trial court took her at 27 her word and evaluated those reasons for their genuineness and neutrality. Once 1 they passed muster, it was not error to omit express consideration of secondary 2 factors.”). Because “determinations of credibility and demeanor lie ‘peculiarly 3 within a trial judge’s province,’” the Court does not find that the California 4 Supreme Court was objectively unreasonable in deferring to the state trial court’s 5 determination here. See *Snyder v. Louisiana*, 552 U.S. 472, 477 (2008). 6 4. R.P. 7 As for R.P., Petitioner argues that the Magistrate Judge relied on R.P.’s 8 answers that the death penalty was sometimes overused and that some of his 9 friends and family had negative experiences with the police in finding that the 10 prosecutor had a race-neutral justification. *Obj.* at 9. Petitioner argues that these 11 reasons are an “end run” around the Equal Protection Clause. *Id.* Additionally, 12 Petitioner objects to the use of R.P.’s prior jury service, which he described as 13 “disturbing,” as a race-neutral reason to strike him, because it is rational to find a 14 murder case disturbing. *Id.* Petitioner next argues that the Magistrate Judge 15

acknowledged that sitting white jurors with the same attitudes as R.P. remained on the jury, but found that they were not similarly situated because they had some differing beliefs. *Id.* Petitioner states that Flowers rejected this approach of picking isolated facts and improperly employing them to create a race-neutral reason, when the record indicates otherwise. *Id.* The Court finds that the Magistrate Judge correctly deferred to the California Supreme Court's ruling that the prosecutor's stated reasons for striking R.P. were not pretextual. Petitioner argues that the Magistrate Judge's reliance on the fact that comparable white jurors did not volunteer that they were "disturbed" by prior jury service, differentiating them from R.P., is simply cherry-picking of isolated facts. However, the Court finds that it was not unreasonable for the California Supreme Court to find that the totality of relevant facts demonstrated that R.P.'s prior jury service constituted a genuinely proffered, race-neutral reason to strike him. The Court agrees with the Magistrate Judge that "these circumstances do not suggest disparate questioning by the prosecutor." Report at 47. Petitioner's argument that R.P.'s description of his prior jury service was "rational" appears to be immaterial to the question at hand: whether the prosecutor was sincere in stating that she struck R.P. because of his prior experience on a jury for a murder case. C. Summary Because Petitioner has failed to demonstrate that the California Supreme Court was objectively unreasonable in finding that the trial court's determination of the prosecutor's credibility in striking S.L., R.C., E.W., and R.P. was supported by substantial evidence, the Court denies Petitioner's Batson claim. While not raised by Petitioner, the Court independently reviewed two recent decisions granting Batson challenges on habeas review from the Central District of California: *Jones v. Broomfield*, 562 F. Supp. 3d 652, 693 (C.D. Cal. 2021) and *Jackson v. Davis*, No. LA CV 97-03531 MWF, 2022 WL 18284663, at *30 (C.D. Cal. Feb. 9, 2022), *aff'd sub nom. Jackson v. Broomfield*, No. 22-55937, 2024 WL 17 1367169 (9th Cir. Apr. 1, 2024). These cases further demonstrate, by way of comparison, why Petitioner's claim does not satisfy the highly deferential standard imposed by AEDPA.² In *Jones*, the Court conducted a *de novo* review of the California Supreme Court's decision denying the Batson claim because the parties agreed that the California Supreme Court "applied an impermissibly stringent test in rejecting" the Batson claim. *Jones*, 562 F. Supp. 3d at 667. This is because the California Supreme Court had used California's test from *People v. Wheeler*, 22 Cal. 3d 258, 280 (1978), which the United States Supreme Court "expressly" distinguished. These cases are also factually distinguishable from the instant case, including the fact that in both *Jones* and *Jackson*, 100% of Black jurors were stricken. See *Jones*, 562 F. Supp. 3d at 671; *Jackson*, 2022 WL 18284663, at *6. 1 invalidated... as unconstitutional and inconsistent with Batson" in 2005. *Id.* Here, 2 the Court is not required to conduct a *de novo* review on this basis, as the 3 California Supreme Court in Petitioner's direct appeal did not erroneously apply 4 the more stringent test from *Wheeler*. See *Armstrong*, 6 Cal. 5th at 766. The 5 parties in the instant case appear to agree that the relevant standard is 28 U.S.C. § 6 2254(d)(2), not 28 U.S.C. § 2254(d)(1). 7 In *Jackson*, the Court reevaluated the California Supreme Court's

decision 8 denying the petitioner's Batson claim because the California Supreme Court had 9 failed to conduct a comparative analysis of the stricken and selected jurors. 10 Jackson, 2022 WL 18284663, at *13. In doing so, the Court relied on the Ninth 11 Circuit's decision in Jamerson v. Runnels, 713 F.3d 1218, 1225 (9th Cir. 2013), 12 which holds that, in such circumstances, "[t]o begin, we must perform in the first 13 instance the comparative analysis that the state court declined to pursue." Id. at 14 *12. Here, by comparison, the Court is not required to perform a comparative 15 juror analysis in the first instance, because the California Supreme Court grappled 16 with Petitioner's comparative juror arguments on direct appeal. See Armstrong, 6 17 Cal. 5th at 770-785. Specifically in regards to E.W., the California Supreme Court 18 found that comparative juror analysis did not have much "force," because the 19 compared jurors did not express "a substantially similar combination of 20 responses." See id. at 780. The Court concludes that these findings were not 21 objectively unreasonable under 28 U.S.C. § 2254(d)(2). 22 Accordingly, and in contrast to Jones and Jackson, the Court reiterates that 23 the Magistrate Judge correctly applied a "doubly deferential" standard of review in 24 the instant case. See Report at 35. 25 26 27

1 V. CONCLUSION

Having completed its review, the Court accepts the findings and 5 recommendations set forth in the Report. Accordingly, IT IS ORDERED that 4 (1) the Petition is DENIED; and (2) Judgment shall be entered dismissing this action. The Court GRANTS Petitioner's request for a certificate of appealability. 6 7 ||Dated: _August 25, 2025 8 bist A drgde

9 CHRISTINA A.S DER

10 United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 17