

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jacome v. Newsom

Jacome · No. 3:25-cv-1128-BEN-DDL · Decided July 14, 2025

SUMMARY

The United States District Court for the Southern District of California granted Alexander Robert Jacome’s renewed application to proceed in forma pauperis. The court dismissed his 28 U.S.C. § 2254 habeas petition without prejudice under Rule 4 because he did not allege that his state conviction or sentence violated the Constitution or federal law, and it advised him regarding exhaustion and the federal habeas limitations period.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Roger T. Benitez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 14, 2025
DOCKET	3:25-cv-1128-BEN-DDL
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and renewed applications to proceed in forma pauperis. The district court granted the renewed in forma pauperis application but dismissed the petition without prejudice on preliminary review under Rule 4 for failure to state a cognizable federal habeas claim.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing § 2254 Cases; summary dismissal is proper when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PARTIES	Alexander Robert Jacome v. Gavin Newsom, et al.

QUESTIONS PRESENTED

- Whether the petition stated a cognizable federal habeas claim under 28 U.S.C. § 2254(a).
- Whether the petitioner was entitled to proceed in forma pauperis based on his renewed application and prison financial certificate.

HOLDINGS

1. A state prisoner must allege both custody pursuant to a state-court judgment and custody in violation of the Constitution, laws, or treaties of the United States to present a cognizable federal habeas claim under § 2254. Because Jacome sought resentencing without alleging a violation of federal rights, the petition was not cognizable and was properly dismissed without prejudice under Rule 4.
2. A state prisoner must exhaust available state judicial remedies before presenting a federal habeas claim, including by giving the California Supreme Court a fair opportunity to rule on the merits of each federal issue.
3. The renewed in forma pauperis application was granted because the prison certificate showed that Jacome had insufficient funds to prepay the \$5 filing fee.

KEY QUOTATIONS

“The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person” (at 2)

FACTUAL BACKGROUND

Jacome, a California state prisoner proceeding pro se, sought to have his California felony term amended to a misdemeanor and requested resentencing. His petition did not allege that he was in custody in violation of the United States Constitution, federal law, or a treaty. He later submitted a prison certificate showing insufficient funds to prepay the filing fee.

PROCEDURAL HISTORY

Jacome filed the § 2254 petition on May 1, 2025. The court initially denied in forma pauperis status and dismissed the case because the application lacked adequate financial support. After two further applications, the court granted the July 8 application based on a prison certificate but dismissed the habeas petition without prejudice because it did not allege that the state conviction or sentence violated federal law.

DISPOSITION

dismissed

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