

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

Jacinto Taron Robinson v. Warden, FCI-Mendota

No. 1:25-cv-01189-SKO (HC) · No. No. 1:25-cv-01189-SKO (HC) · Decided September 16, 2025

OPINION

Jacinto Taron Robinson v. Warden, FCI-Mendota

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JACINTO TARON ROBINSON, No. 1:25-cv-01189-SKO (HC)

12 Petitioner, ORDER DISMISSING PETITION WITH

LEAVE TO FILE FIRST AMENDED

13 v. PETITION

14 WARDEN, FCI-MENDOTA, [THIRTY-DAY DEADLINE]

15 Respondent. 16

17 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus 18
pursuant to 28 U.S.C. § 2241. Petitioner filed the instant petition on September 12, 2025. After 19
conducting a preliminary review of the petition, the Court has discovered that the petition does 20
not contain an original signature. In addition, Petitioner fails to state a cognizable claim for relief.
21 Therefore, the Court will dismiss the petition and grant Petitioner an opportunity to cure these
22 deficiencies in a First Amended Petition.

23 DISCUSSION

24 A. Preliminary Review of Petition

25 Rule 4 of the Rules Governing § 2254 Cases¹ requires the Court to make a preliminary
26 review of each petition for writ of habeas corpus. The Court must dismiss a petition "[i]f it 27 1
The Rules Governing Section 2254 Cases in the United States Courts (Habeas Rules) are
appropriately applied to 28 proceedings undertaken pursuant to 28 U.S.C. § 2241. Habeas Rule
1(b). 1 plainly appears from the petition . . . that the petitioner is not entitled to relief." Rule 4 of
the 2 Rules Governing § 2254 Cases; see also *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 3
1990). A petition for habeas corpus should not be dismissed without leave to amend unless it 4
appears that no tenable claim for relief can be pleaded were such leave granted. *Jarvis v. Nelson*, 5
440 F.2d 13, 14 (9th Cir. 1971). 6 B. Failure to State a Claim 7 The basic scope of habeas corpus
is prescribed by statute. Title 28 U.S.C. § 2241(c)(3) 8 provides that the writ of habeas corpus

shall not extend to a prisoner unless “[h]e is in custody in 9 violation of the Constitution or laws or treaties of the United States.” The Supreme Court has 10 held that “the essence of habeas corpus is an attack by a person in custody upon the legality of 11 that custody . . .” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). 12 In addition to the above, Rule 2(c) of the Rules Governing Section 2254 Cases requires 13 that the petition: 14 (1) Specify all the grounds for relief available to the petitioner;

(2) State the facts supporting each ground;

15 (3) State the relief requested;

(4) Be printed, typewritten, or legibly handwritten; and

16 (5) Be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242. 17 18 Further, 28 U.S.C. § 2242 requires a petitioner to allege the facts concerning the 19 petitioner’s commitment or detention. 20 Petitioner fails to present a discernable claim. Petitioner is challenging a finding of guilt 21 for possessing drugs in prison in a disciplinary hearing held on January 24, 2025, but does not 22 allege that any of his constitutional rights were violated. In ground one, he claims he was 23 punished with 41 days loss of time credits in retaliation for pursuing administrative remedies. He 24 does not provide any additional details to explain this claim. Presumably, he was found guilty and 25 was assessed a loss of credits for possessing drugs, not for pursuing administrative relief. It does 26 not make sense that the DHO did not sanction him for possessing drugs but then did so after 27 Petitioner appealed. If that is Petitioner’s claim, he does not adequately demonstrate how this 28 occurred or provide documentary evidence to support the claim, such as the DHO report. 1 In ground two, Petitioner raises a challenge to the tests used in his case, but the Court 2 cannot discern his argument. In the space provided for supporting facts, Petitioner states: “P.S. 3 6060.88 Sec.9 will state the violation of the process in this matter the test are done and confirmed 4 by lab the facts must show cause of loss of liberty.” (Doc. 1 at 6.) This statement is indiscernible. 5 In ground three, Petitioner alleges “Agents boast of Petitioner not being heard because of 6 Agents pacts with themselves.” (Doc. 1 at 6.) Again, the Court cannot discern the claim. 7 Petitioner appears to claim that prison staff made certain representations and statements, but he 8 fails to state how his due process rights were violated. Merely stating that agents were boasting 9 about Petitioner is insufficient; he must explain exactly what the agents did to deny him his rights. 10 Finally, in ground four, Petitioner claims the Warden punished him before the UDC 11 review, and the DHO punished him for actions of another inmate. It is unclear what Petitioner is 12 claiming as he provides no details regarding how the Warden punished him before the UDC 13 review. As to his claim regarding the DHO, Petitioner appears to be claiming innocence to the 14 charges and that the acts were actually committed by another inmate, but he does not provide any 15 details. He refers the Court to the DHO report, but he fails to attach the report. 16 C. Lack of Signature 17 Local Rule 131 requires a document submitted to the Court for filing to include an 18 original signature. Rule 2 of the Rules Governing Section 2254 Cases also requires that a petition 19 for

writ of habeas corpus “be signed under penalty of perjury by the petitioner.” 20 Petitioner is advised that he must sign the First Amended Petition under penalty of 21 perjury. He is forewarned that failure to do so will result in dismissal of the petition pursuant to 22 Local Rule 110. 23 D. Conclusion 24 For the foregoing reasons, the petition must be dismissed. Petitioner will be granted an 25 opportunity to file a First Amended Petition curing the deficiencies. Petitioner is advised that he 26 should caption his pleading, “First Amended Petition,” reference the instant case number, and 27 sign it under penalty of perjury. Petitioner is advised that failure to comply with this order may 28 result in a recommendation that the action be dismissed.

1 ORDER

2 Accordingly, IT IS HEREBY ORDERED: 3 1) The petition is DISMISSED with leave to amend; 4 2) Petitioner is GRANTED thirty (30) days from the date of service of this order in 5 which to file a First Amended Petition signed under penalty of perjury; and 6 3) The Clerk of Court is directed to provide Petitioner with a blank § 2241 form petition. 7 IT IS SO ORDERED. 8 9 Dated: September 16, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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