

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ronald L. Seay v. G. Helena and Stephen White

Seay v. Helena · No. 2:25-cv-0503-DJC-JDP (P) · Decided April 30, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Ronald L. Seay’s 28 U.S.C. § 2254 petition after preliminary review because it was filed on a § 1983 form, did not identify sufficient information about the underlying conviction or exhaustion, and presented a vague claim concerning sentencing enhancements. The court granted leave to amend, granted the petitioner’s second application to proceed in forma pauperis, and denied the first application as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 30, 2025
DOCKET	2:25-cv-0503-DJC-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Preliminary screening of a state prisoner's 28 U.S.C. § 2254 habeas petition under Rule 4 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court conducts preliminary screening and may dismiss a habeas petition when it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Ronald L. Seay v. G. Helena, Stephen White

TOPICS

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

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure
- prisoners rights

QUESTIONS PRESENTED

1. Whether the petition should be dismissed at preliminary review under Rule 4 because it fails to present a viable federal habeas claim.
2. Whether petitioner should be granted leave to amend the deficient petition.
3. Whether petitioner should be granted leave to proceed in forma pauperis on the second application and whether the first application should be denied as moot.

HOLDINGS

1. A § 2254 petition may be dismissed at preliminary review when it plainly appears that the petitioner is not entitled to habeas relief. Because this petition was vague, failed to identify essential information about the conviction and exhaustion, and did not substantiate the alleged improper sentencing enhancements, dismissal was warranted.
2. The deficient petition should be dismissed with leave to amend rather than dismissed finally, allowing petitioner an opportunity to address the deficiencies and explain why the action should proceed.

KEY QUOTATIONS

“Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief.” (at 1)

“Within thirty days from service of this order, petitioner shall file either (1) an amended petition or (2) notice of voluntary dismissal of this action without prejudice.” (at 2)

FACTUAL BACKGROUND

Ronald L. Seay, a state prisoner, alleged that the court that convicted him imposed enhancements to a life sentence without the possibility of parole because of malice, spite, and excessive racial prejudice. He did not identify when the underlying conviction occurred, explain whether he had exhausted his state-court remedies, or provide a factual basis showing how he knew the enhancements were imposed for improper reasons. The petition was submitted on a § 1983 form rather than a habeas petition form.

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition using a § 1983 form and applied to proceed in forma pauperis. On preliminary review, the court found that the petition did not present a viable federal habeas claim because it did not identify when the underlying conviction occurred, whether the claim had been exhausted, or the factual basis for the alleged improper sentencing enhancements. The court dismissed the petition with leave to amend, granted the second in forma pauperis application, denied the first as moot, and allowed thirty days to file an amended petition or a notice of voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998)

OPINION

(HC) Seay v. Helena

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 RONALD L. SEAY, Case No. 2:25-cv-0503-DJC-JDP (P) 12 Petitioner, 13 v. ORDER

14 G. HELENA AND STEPHEN WHITE,

15 Respondents. 16

17 18 Petitioner, a state prisoner, brings this action under section 2254. ECF No. 1. The 19 petition fails to present a viable federal habeas claim, however. I will dismiss the current petition 20 and give petitioner an opportunity to amend and explain why this action should proceed. I will 21 also grant petitioner's second application to proceed in forma pauperis, ECF No. 8, and deny his 22 first application as moot, ECF No. 2. 23 The petition is before me for preliminary review under Rule 4 of the Rules Governing

24 Section 2254 Cases. Under Rule 4, the judge assigned to the habeas proceeding must examine 25 the habeas petition and order a response to the petition unless it "plainly appears" that the 26 petitioner is not entitled to relief. See Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019); 27 Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998). 28 The petition is presented on a section 1983 form and, thus, I cannot tell when the 1 underlying conviction occurred or whether the claim presented has been exhausted in state court. 2 | Additionally, the claim itself is vague. Petitioner asserts that the court of conviction imposed 3 | enhancements to a life sentence without the possibility of parole, and that it did so "out of malice, 4 || spite, and excessive racial prejudice" against him. ECF No. 1 at 3-4. He offers no explanation of 5 | how he knows that the enhancements were imposed for improper reasons. 6 Rather than recommending dismissal of the case, I will dismiss the petition with leave to 7 | amend. Petitioner may file a new petition that addresses these deficiencies and explains why, if at 8 | all, his claim should proceed. 9 Accordingly, it is ORDERED that: 10 1. Petitioner's application to proceed in forma pauperis, ECF No. 8, is GRANTED 11 and his earlier application, ECF No. 2, is DENIED as moot. 12 2. The petition, ECF No. 1, is DISMISSED with leave to amend. 13 3. Within thirty days from service of this order, petitioner shall file either (1) an 14 | amended petition or (2) notice of voluntary dismissal of this action without prejudice. 15 4. Failure to timely file either an amended petition or notice of voluntary dismissal 16 || may result in the imposition of sanctions, including a recommendation that this action be 17 | dismissed with prejudice pursuant to Federal Rule of Civil

Procedure 41(b). 18 5. The Clerk of Court shall send petitioner a habeas petition form with this order. If 19 | he files an amended complaint, he must use this form. 20 IT IS SO ORDERED. 22 (q Sty - Dated: _ April 30, 2025 QH———

23 JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

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