

**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.

OPINION

1 2 3 4 5 6 7 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 25 26 27 28