

**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

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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