

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

King v. Schuyler

King v. Schuyler · No. 2:23-cv-2360-KJM-SCR · Decided December 22, 2025

SUMMARY

The document contains findings and recommendations in a federal habeas corpus action brought by Jesse Stephen King against Charles Schuyler. The magistrate judge recommends denying King's motion to amend because the proposed claims challenging his 1997 conviction were unauthorized successive claims, granting the respondent's motion to dismiss, and dismissing the parole-related claims as noncognizable state-law claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 22, 2025
DOCKET	2:23-cv-2360-KJM-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on a habeas petitioner’s motion to amend a second or successive 28 U.S.C. § 2254 petition and respondent’s motion to dismiss claims challenging parole denial.
STANDARD OF REVIEW	A federal habeas court may grant relief under 28 U.S.C. § 2254 only for violations of the Constitution, laws, or treaties of the United States; alleged errors of state law are not cognizable. A second or successive § 2254 application requires authorization from the appropriate court of appeals, and without authorization the district court lacks jurisdiction to consider claims challenging the prior conviction. A motion to dismiss is appropriate where the petition fails to state a cognizable federal claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jesse Stephen King v. Charles Schuyler

TOPICS

federal habeas corpus

successive petitions

motions to dismiss

due process

appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether petitioner could amend the pending § 2254 petition to add challenges to his 1997 murder conviction without authorization to file a second or successive habeas petition.
2. Whether petitioner’s challenges to his 2021 parole denial stated cognizable federal habeas claims when they primarily alleged violations of California law and challenged the sufficiency of the parole board’s decision.
3. Whether the second amended § 2254 petition should be dismissed for failure to state a cognizable federal claim for relief.

HOLDINGS

1. A district court lacks jurisdiction to entertain claims challenging a prior state conviction when the petitioner has not obtained the authorization required for a second or successive § 2254 application.
2. Challenges to the application of state parole laws, the sufficiency of the evidence supporting a parole denial, and the state parole board’s ultimate decision do not state cognizable federal habeas claims absent a violation of the federal Constitution or other federal law.

KEY QUOTATIONS

“There is no federal constitutional requirement to be released on parole before the expiration of a valid sentence.” (at 3)

“Absent such authorization, this court does not have jurisdiction to entertain any claims related to petitioner’s murder conviction.” (at 4)

“merely placing a “due process” label on a claim does not transform it into a federal one.” (at 5)

“Petitioner’s claims are solely grounded in state law and are therefore not cognizable in this federal habeas action.” (at 5)

FACTUAL BACKGROUND

Petitioner was convicted of first-degree murder in California in 1997 and sentenced to 35 years to life. He later received a parole denial in 2021 and challenged that denial in a second amended federal habeas petition, alleging arbitrariness, inadequate explanation, and failure to apply youthful-offender parole rules. He also sought to amend the petition to add challenges to his 1997 conviction, including claims based on *Johnson v. United States* and alleged instructional and sentencing errors.

PROCEDURAL HISTORY

Petitioner’s 2003 federal habeas petition challenging his 1997 murder conviction was dismissed with prejudice as untimely, and the Ninth Circuit later denied a certificate of appealability. In 2023, the Ninth Circuit determined that petitioner did not need authorization to file a successive petition challenging his 2021 parole denial and denial of resentencing. The magistrate judge screened the second amended petition, recommended dismissal of the conviction challenge as unauthorized, and limited respondent’s answer to the parole claims. Petitioner then moved to amend to add further challenges to his 1997 conviction, while respondent moved to dismiss the parole claims. The magistrate judge recommended denying amendment without prejudice and granting dismissal of the parole claims; the district judge retained responsibility for the final decision after objections.

DISPOSITION

other

CASES CITED

- King v. Scribner, No. 5:03-cv-01554-DOC-FMO (C.D. Cal.)
- Johnson v. United States, 135 S. Ct. 2551 (2015)
- Swarthout v. Cooke, 562 U.S. 216 (2011) (per curiam)
- Estelle v. McGuire, 502 U.S. 62, 67 (1991)
- Middleton v. Cupp, 768 F.2d 1083, 1085 (9th Cir. 1985)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)
- Langford v. Day, 110 F.3d 1380, 1389 (9th Cir. 1997)
- Greenholtz v. Inmates of Nebraska Penal & Corr. Complex, 442 U.S. 1, 7 (1979)
- Bradshaw v. Richey, 546 U.S. 74, 76 (2005)
- Morris v. Woodford, 229 F.3d 775, 780 (9th Cir. 2000)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

Schuyler

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JESSE STEPHEN KING, No. 2:23-cv-2360-KJM-SCR

12 Petitioner,

13 v. FINDINGS AND RECOMMENDATIONS

14 CHARLES SCHUYLER,

15 Respondent. 16

17 Petitioner is an incarcerated individual representing himself in this habeas corpus action 18
filed pursuant to 28 U.S.C. § 2254. Currently pending before the court is petitioner's motion to 19
amend his § 2254 petition and respondent's motion to dismiss the pending claims challenging 20
petitioner's parole denial. ECF Nos. 45, 51. Petitioner has not filed an opposition to the motion 21
to dismiss and the time to do so has expired. Upon consideration of the record and the applicable 22
law, the undersigned recommends denying the motion to amend and granting the motion to 23
dismiss. 24 I. Factual and Procedural History

25 In 1997, petitioner was convicted in the San Bernardino Superior Court of first degree
26 murder. ECF No. 33 at 1. He was sentenced to 35 years to life in prison. ECF No. 33 at 53 27
(Abstract of Judgment). After state direct appeal proceedings had concluded, petitioner filed a 28
counseled § 2254 petition in the Central District of California challenging this conviction on
1 December 31, 2003. See *King v. Scribner*, No. 5:03-cv-01554-DOC-FMO (C.D. Cal.). That
2 petition was dismissed with prejudice as untimely filed on August 19, 2004. *King v. Scribner*, at
3 ECF No. 23 (Judgment). Petitioner appealed the dismissal of his habeas petition to the Ninth 4
Circuit Court of Appeals. *King v. Scribner*, ECF No. 25 (Notice of Appeal). The Ninth Circuit 5
denied a certificate of appealability on April 24, 2005. *King v. Scribner*, ECF No. 30. 6 This case
was opened on October 13, 2023 following the Ninth Circuit's determination 7 that petitioner did
not need authorization to file a second or successive § 2254 petition 8 challenging his April 2021
parole denial or the denial of his petition for resentencing. ECF No. 1. 9 Petitioner subsequently
filed a second amended § 2254 petition raising four claims for 10 relief in this court. ECF No. 33.
First, he alleges that the trial court used an illegal jury 11 instruction on felony murder to convict
him in 1997. ECF No. 33 at 4. Next, he challenges his 12 2021 parole denial as being arbitrary and
capricious. *Id.* at 4. In his third claim, petitioner asserts 13 that the parole board never explained
how he constituted a danger to justify a seven-year parole 14 denial. *Id.* at 5. Finally, he contends
that the parole board never used the youthful offender 15 parole rules in his case even though he
was just 20 years old at the time he was convicted. *Id.* 16 On September 9, 2025, the undersigned
screened the second amended petition and ordered 17 respondent to file an answer limited to
claims two through four challenging petitioner's parole 18 denial. ECF No. 37 at 3. The
undersigned recommended summarily dismissing claim one as an 19 unauthorized second or
successive challenge to his 1997 criminal conviction. ECF No. 37 at 3. 20 By order dated October
9, 2025, the district judge adopted this recommendation and dismissed 21 claim one of petitioner's
second amended § 2254 application. ECF No. 43. 22 After the second amended § 2254 petition
was served on respondent, the court docketed 23 petitioner's motion to amend his petition. ECF
No. 45 (docketed on October 14, 2025 but filed as 24 of July 27, 2025 based on the prison mailbox
rule). In the motion, petitioner seeks to add 25 challenges related to his 1997 conviction. ECF No.
45. Specifically, petitioner seeks to challenge 26 his 1997 conviction on the basis of the Supreme
Court's decision in *Johnson v. United States*, 135 27 S. Ct. 2551 (2015), which found the residual

clause of the federal Armed Career Criminal Act to 28 be unconstitutionally vague. ECF No. 45 at 12. Petitioner argues that this decision applies 1 equally to California's felony murder rule under which he was convicted. Petitioner also asserts 2 that "[s]hooting at [an] inhabited dwelling 'was arbitrary and capricious'"; his appellate counsel 3 failed to file a petition for rehearing; his murder conviction is now barred under the natural and 4 probable consequences doctrine; his firearm enhancement should be reversed; and a jury 5 instruction was unconstitutionally vague. ECF No. 45 at 1-9. 6 With respect to the pending second amended § 2254 petition, respondent filed a motion to 7 dismiss, contending that petitioner's parole challenges are not cognizable in the present § 2254 8 proceeding because they are solely based on state law. ECF No. 51. Since petitioner does not 9 dispute that he was given an opportunity to be heard at his parole hearing and a statement of 10 reasons why parole is denied, his constitutional right to due process was not violated. ECF No. 11 51 at 2 (citing *Swarthout v. Cooke*, 562 U.S. 216 (2011) (per curiam)). "Nothing more is 12 required under clearly established federal law." ECF No. 51 at 2. Petitioner's challenges to the 13 quantum of evidence or the ultimate decision reached by the state parole board do not raise 14 federal constitutional challenges. *Id.* Petitioner's last challenge to the denial of youthful offender 15 parole only presents an issue of state law. *Id.* at 3; see also Cal. Pen. Code §§ 3051, 4801(c) 16 (2025). "Federal habeas corpus relief is not available for alleged errors of state law." *Id.* (citing 17 *Estelle v. McGuire*, 502 U.S. 62, 67-8 (1991)). For all these reasons, respondent requests that 18 petitioner's second amended § 2254 application be dismissed for failing to state a claim for relief. 19 II. Legal Standards

20 Section 2254 of Title 28 of the United States Code provides a remedy for violations "of 21 the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a); see also *Middleton* 22 v. *Cupp*, 768 F.2d 1083, 1085 (9th Cir. 1985) (stating that habeas relief is only available for a 23 violation of federal law that is binding on state courts). Habeas relief is not available for 24 violations of state law that do not implicate federal Constitutional guarantees or for errors in the 25 interpretation or application of state law. See *Estelle*, 502 U.S. at 67 (quoting *Lewis v. Jeffers*, 26 497 U.S. 764, 780 (1990)); *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997) (as modified) 27 (stating that "[w]e accept a state court's interpretation of state law ... and alleged errors in the 28 application of state law are not cognizable in federal habeas corpus." (internal citation omitted)); 1 *Middleton*, 768 F.2d at 1085. Put simply, there is no federal constitutional requirement to be 2 released on parole before the expiration of a valid sentence. See *Greenholtz v. Inmates of 3 Nebraska Penal & Corrs. Complex*, 442 U.S. 1, 7 (1979) ("There is no constitutional or inherent 4 right of a convicted person to be conditionally released before the expiration of a valid 5 sentence."); *Swarthout*, 562 U.S. at 220 (emphasizing that "[t]here is no right under the Federal 6 Constitution to be conditionally released before the expiration of a valid sentence, and the States 7 are under no duty to offer parole to their prisoners."). 8 III. Analysis 9 Turning first to petitioner's motion to amend, the undersigned finds that petitioner is 10 trying to add claims challenging his 1997 conviction to the instant proceeding. However, he has 11 not been

authorized to file a second or successive § 2254 petition challenging his 1997 murder conviction. See ECF No. 1; see also 28 U.S.C. § 2244(a). Absent such authorization, this court does not have jurisdiction to entertain any claims related to petitioner's murder conviction. See 28 U.S.C. § 2244(3)(A) (requiring petitioner to file an application for authorization to file a second or successive habeas petition "in the appropriate court of appeals for an order authorizing the district court to consider the application."). For this reason, the undersigned recommends denying petitioner's motion to amend. Claims two, three, and four of the second amended § 2254 petition challenge petitioner's 2021 parole denial. Although petitioner attempts to cloak his state law claims in due process terms, merely placing a "due process" label on a claim does not transform it into a federal one. See *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1997) ("[A petitioner] may not ... transform a state-law issue into a federal one merely by asserting a violation of due process."). As respondent correctly points out, petitioner's challenges to the denial of parole involve only questions concerning the application of state laws. See *Swarthout*, 562 U.S. at 222 (emphasizing that it is not the federal courts role to determine whether California applied its state laws and regulations correctly). Petitioner's claims are solely grounded in state law and are therefore not cognizable in this federal habeas action. *Bradshaw v. Richey*, 546 U.S. 74, 76 (2005). Therefore, the undersigned recommends granting respondent's motion to dismiss the second amended § 2254 petition because it does not contain any cognizable Constitutional claims for relief.

IV. Plain Language Summary for Party Proceeding Without a Lawyer

The following information is meant to explain this order in plain English and is not intended as legal advice. The court finds that your claims challenging your parole denial are not properly raised in a habeas corpus petition because they are based on state law. It is recommended that respondent's motion to dismiss be granted for this reason. It is also recommended that your motion to amend be denied without prejudice to file a request for authorization to file a second or successive § 2254 petition in the Ninth Circuit Court of Appeals. This court can take no action on the challenges to your 1997 conviction until such authorization is granted. If you disagree with these recommendations, you have 21 days to explain why they are wrong. Label your explanation as "Objections to Magistrate Judge's Findings and Recommendations." The district judge assigned to your case will review the file and make the final decision.

V. Conclusion

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Petitioner's motion to amend (ECF No. 45) be denied without prejudice to seeking authorization to file a second or successive § 2254 application in the Ninth Circuit pursuant to 28 U.S.C. § 2244(b)(3)(A).
2. Respondent's motion to dismiss (ECF No. 51) be granted.
3. Petitioner's second amended § 2254 petition (ECF No. 33) be dismissed for failing to state any federal cognizable claim for relief.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a

document should be captioned 27 “Objections to Magistrate Judge’s Findings and Recommendations.” If petitioner files objections, 28 he shall also address whether a certificate of appealability should issue and, if so, why and as to 1 | which issue(s). Where, as here, the petition was dismissed on procedural grounds, a certificate of 2 || appealability “should issue if the prisoner can show: (1) ‘that jurists of reason would find it 3 || debatable whether the district court was correct in its procedural ruling’; and (2) ‘that jurists of 4 || reason would find it debatable whether the petition states a valid claim of the denial of a 5 || constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir. 2000) (quoting *Slack v. 6 || McDaniel*, 529 U.S. 473, 484 (2000)). Any response to the objections shall be filed and served 7 || within fourteen days after service of the objections. The parties are advised that failure to file 8 | objections within the specified time may waive the right to appeal the District Court’s order. 9 || *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 10 | DATED: December 22, 2025 md 12

B SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28