

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Branden Willie Iseli v. The People of the State of California, et al.

Iseli · No. No. 2:25-cv-00530-TLN-CSK · Decided April 18, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a state prisoner’s 28 U.S.C. § 2254 habeas action. The court denied the petitioner’s request to transfer the matter to the Ninth Circuit for authorization to file a successive petition and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 18, 2025
DOCKET	No. 2:25-cv-00530-TLN-CSK
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner petitioned for a writ of habeas corpus under 28 U.S.C. § 2254 and requested transfer of the petition to the Ninth Circuit for authorization to file a second or successive petition.
STANDARD OF REVIEW	The court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Branden Willie Iseli v. The People of the State of California, et al.

TOPICS

- federal habeas corpus
- successive petitions
- appellate procedure
- standard of review
- post-conviction relief

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should transfer the petition to the Ninth Circuit for consideration as a request for authorization to file a second or successive habeas petition.
2. Whether the petition should be dismissed without prejudice instead of transferred.
3. Whether to issue a certificate of appealability under 28 U.S.C. § 2253.

HOLDINGS

1. The district court has discretion either to transfer a successive habeas petition to the court of appeals or to dismiss it, and the court exercised that discretion to deny Petitioner's request for transfer because two habeas petitions were pending in the district.
2. The petition was dismissed without prejudice to Petitioner seeking authorization from the Ninth Circuit.
3. The court declined to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

KEY QUOTATIONS

“The district court has discretion either to transfer a successive petition to the Court of Appeals or to dismiss the petition.” (1)

FACTUAL BACKGROUND

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. He had two habeas petitions pending in the Eastern District of California and requested that the present petition and an earlier petition be transferred to the Ninth Circuit for consideration as a request for authorization to file a second or successive petition.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge, who issued findings and recommendations on March 13, 2025. Petitioner filed no objections and instead sought transfer of this case and an earlier habeas case to the Ninth Circuit. The district court adopted the findings and recommendations, denied transfer, dismissed the action without prejudice, declined to issue a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983)
- Jones v. Braxton, 392 F.3d 683, 691 (4th Cir. 2004)
- Robinson v. Johnson, 313 F.3d 128, 139-40 (3d Cir. 2002)
- Iseli v. Lynch, No. 2:24-cv-0837 WBS SCR (E.D. Cal.)

OPINION

(HC) Iseli v. The People of the State of CA

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 BRANDEN WILLIE ISELI, No. 2:25-cv-00530-TLN-CSK

12 Petitioner, 13 v. ORDER

14 THE PEOPLE OF THE STATE OF

CALIFORNIA, et al., 15 Respondents. 16 17 Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas 18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 13, 2025, the magistrate judge filed findings and recommendations herein 21 which were served on Petitioner and which contained notice to Petitioner that any objections to 22 the findings and recommendations were to be filed within fourteen days. Petitioner did not file 23 objections to the findings and recommendations. Instead, Petitioner filed a request to transfer this 24 case, along with an earlier-filed habeas case, Iseli v. Lynch, No. 2:24-cv-0837 WBS SCR (E.D. 25 Cal.), to the Court of Appeals for the Ninth Circuit, to be construed as his request for 26 authorization to file a successive petition. (ECF No. 7.) 27 The Court presumes that any findings of fact are correct. See Orand v. United States, 602 28 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. 1 | See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 2 | the file, the Court finds the findings and recommendations to be supported by the record and by 3 | the magistrate judge's analysis. 4 The district court has discretion either to transfer a successive petition to the Court of 5 | Appeals or to dismiss the petition. Jones v. Braxton, 392 F.3d 683, 691 (4th Cir. 2004); Robinson 6 | v. Johnson, 313 F.3d 128, 139-40 (3rd Cir. 2002). Because Petitioner has two petitions for writ of 7 | habeas corpus pending in this district, this Court exercises its discretion and denies Petitioner's 8 || request to transfer the instant petition to the Ninth Circuit for consideration as his request for 9 | authorization to file a second or successive petition for writ of habeas corpus. The petition is 10 || dismissed without prejudice to Petitioner seeking authorization from the Ninth Circuit. 11 Accordingly, IT IS HEREBY ORDERED that: 12 1. The findings and recommendations (ECF No. 6) are ADOPTED IN FULL; 13 2. Petitioner's request for transfer (ECF No. 7) is DENIED; 14 3. This action is DISMISSED without prejudice; and 15 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. 16 § 2253. 17 5. The Clerk of Court is directed to close the case. 18 | Date: April 17, 2025 19 Lal Uy

71 TROY L. NUNLEY

2 CHIEF UNITED STATES DISTRICT JUDGE

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