

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.

OPINION

1 2 3 4 5 6 7 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 23 24 25 26 27 28