

**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

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

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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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