

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Collins v. People of the State of California

Collins · No. 1:25-cv-00206-SKO (HC) · Decided April 1, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissal with prejudice of a state prisoner’s 28 U.S.C. § 2254 habeas petition because the petitioner failed to file an amended petition after the court identified deficiencies and granted leave to amend. The court also directs the Clerk of Court to assign a district judge and advises the parties of the fourteen-day deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 1, 2025
DOCKET	1:25-cv-00206-SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se state prisoner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. After the court dismissed the petition with leave to amend, petitioner failed to file a first amended petition within the allotted time. The magistrate judge issued findings and a recommendation that the petition be dismissed with prejudice and the case closed.
STANDARD OF REVIEW	The magistrate judge reviewed the habeas petition at the preliminary-screening and compliance stage under 28 U.S.C. § 636(b)(1)(B), subject to de novo consideration by the assigned district judge of timely objections under § 636(b)(1)(C).
PRECEDENTIAL VALUE	unknown
PARTIES	Dontrell Collins, Petitioner v. People of the State of California, Respondent

TOPICS

federal habeas corpus

post-conviction relief

pleadings

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the habeas petition should be dismissed after petitioner failed to file an amended petition within the court-ordered deadline despite being warned that noncompliance could result in dismissal and closure of the case.
2. Whether the clerk should assign a district judge to review the magistrate judge's findings and recommendation.

HOLDINGS

1. The magistrate judge recommended dismissal with prejudice and closure of the case because petitioner failed to file an amended petition within the court-ordered period after being warned of the consequences.
2. The clerk was directed to assign a district judge to the case for consideration of the findings and recommendation.

KEY QUOTATIONS

“For the foregoing reasons and those stated in the Court’s order dismissing the petition (Doc. 4), the Court recommends the petition be DISMISSED with prejudice and the case be CLOSED.” (at 2)

“This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals.” (at 2)

FACTUAL BACKGROUND

Dontrell Collins is a state prisoner proceeding pro se. He filed a pleading seeking relief under 28 U.S.C. § 2254, but the pleading did not identify cognizable habeas grounds or name a proper respondent. After receiving leave and thirty days to file a compliant amended petition, Collins did not do so.

PROCEDURAL HISTORY

Petitioner filed a pleading styled as an appellate ex parte notice of appeal pursuant to 28 U.S.C. § 2254 on February 14, 2025. The court determined that the pleading failed to present cognizable grounds for relief and failed to name a proper respondent, dismissed it with leave to amend on February 20, 2025, and allowed thirty days for amendment. After petitioner failed to amend despite being warned that noncompliance could result in dismissal and closure of the case, the magistrate judge recommended dismissal with prejudice. The clerk was directed to assign a district judge, and the parties were given fourteen days to object.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 10 11 DONTRELL COLLINS,) Case No.: 1:25-cv-00206-SKO (HC)) 12 Petitioner,) ORDER
DIRECTING CLERK OF COURT TO) ASSIGN DISTRICT JUDGE 13 v.)) FINDINGS AND
RECOMMENDATION TO 14) DISMISS PETITION 15 PEOPLE OF THE STATE OF
CALIFORNIA,)) [FOURTEEN-DAY DEADLINE] 16 Respondent.)) 17 18 Petitioner is a state
prisoner proceeding pro se with a petition for writ of habeas corpus 19 pursuant to 28 U.S.C. §
2254.

He filed a pleading entitled “Appellate Ex Parte Notice of Appeal 20 Pursuant to 28 U.S.C. § 2254
on February 14, 2025. A preliminary screening of the petition revealed 21 the petition failed to
present any cognizable grounds for relief and failed to name a proper respondent. 22 On February
20, 2025, the Court dismissed the petition with leave to file a first amended petition.

23 (Doc. 4.) Petitioner was granted thirty (30) days to file a first amended petition in compliance
with the 24 Court’s order. Over thirty (30) days have passed, and Petitioner failed to file an
amended petition. The 25 Court forewarned Petitioner that failure to file an amended petition
would result in a recommendation 26 that the petition be dismissed and the case closed.

27 ORDER 28 The Clerk of Court is DIRECTED to assign a district judge to this case. 1
RECOMMENDATION 2 For the foregoing reasons and those stated in the Court’s order
dismissing the petition (Doc. 4), 3 the Court recommends the petition be DISMISSED with
prejudice and the case be CLOSED. 4 This Findings and Recommendation is submitted to the
United States District Court Judge 5 assigned to the case, pursuant to the provisions of 28 U.S.C. §
636 (b)(1)(B) and Rule 304 of the Local 6 Rules of Practice for the United States District Court,
Eastern District of California.

Within fourteen 7 (14) days after being served with a copy of this Findings and Recommendation,
a party may file 8 written objections with the Court and serve a copy on all parties. Id. The
document should be 9 captioned, “Objections to Magistrate Judge’s Findings and
Recommendation” and shall not exceed 10 fifteen (15) pages, except by leave of court with good
cause shown.

The Court will not consider 11 exhibits attached to the Objections. To the extent a party wishes to
refer to any exhibit(s), the party 12 should reference the exhibit in the record by its CM/ECF

document and page number, when possible, 13 or otherwise reference the exhibit with specificity. Any pages filed in excess of the fifteen (15) page 14 limitation may be disregarded by the District Judge when reviewing these Findings and 15 Recommendations pursuant to 28 U.S.C. § 636 (b) (1)(C).

The parties are advised that failure to file 16 objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. 17 Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014). This recommendation is not an order that is 18 immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 19 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the District Court's 20 judgment.

21 22 IT IS SO ORDERED. 23 Dated: April 1, 2025 /s/ Sheila K. Oberto. 24 UNITED STATES
MAGISTRATE JUDGE 25 26 27 28