

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kevin Duane Hickman v. State of California, et al.

Hickman · No. 2:24-cv-02460-DAD-DMC (HC) · Decided September 16, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and summarily dismissed Kevin Duane Hickman’s 28 U.S.C. § 2254 habeas petition as frivolous and failing to state a cognizable claim for federal habeas relief. The court also denied petitioner’s requests for a bill exchange instrument and to discharge bond as moot, declined to issue a certificate of appealability, and ordered the case closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 16, 2025
DOCKET	2:24-cv-02460-DAD-DMC (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 was referred to a magistrate judge, who recommended summary dismissal as frivolous and for failure to state a cognizable federal habeas claim. The district court conducted de novo review of the objections, adopted the findings and recommendations, dismissed the petition, denied related requests as moot, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge’s findings and recommendations under 28 U.S.C. § 636(b)(1)(C). For a certificate of appealability after procedural dismissal, the Slack v. McDaniel standard applies.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kevin Duane Hickman v. State of California, et al.

TOPICS

federal habeas corpus

post-conviction relief

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PRACTICE AREAS

federal habeas corpus

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civil procedure

QUESTIONS PRESENTED

1. Whether Hickman’s allegations concerning his purported “Sovereign Status” and related theories stated a cognizable claim for federal habeas relief.
2. Whether Hickman’s objection based on the state prosecutor’s alleged failure to answer a purported conditional acceptance for value established entitlement to default or otherwise undermined dismissal.
3. Whether the court should issue a certificate of appealability after dismissing the petition on procedural and noncognizability grounds.

HOLDINGS

1. Allegations concerning petitioner’s purported “Sovereign Status” and related assertions did not present a cognizable challenge to the underlying state criminal conviction and were frivolous; the petition was therefore properly summarily dismissed.
2. Petitioner’s theory that the district attorney’s failure to answer a purported conditional acceptance for value entitled him to default was frivolous and provided no basis to reject the findings and recommendations or avoid dismissal.
3. A certificate of appealability was denied because reasonable jurists would not find debatable or wrong the court’s determination that the petition had to be dismissed.

KEY QUOTATIONS

“if jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” (at 3)

FACTUAL BACKGROUND

Hickman is a California state prisoner challenging his underlying state criminal conviction through a federal habeas petition. His petition relied on allegations concerning his purported “Sovereign Status” and related theories rather than a cognizable constitutional challenge to the conviction. In his objections, he asserted that the district attorney’s failure to answer a purported “conditional acceptance for value ‘proof of claims’” entitled him to entry of default.

PROCEDURAL HISTORY

Hickman filed a pro se, in forma pauperis § 2254 petition challenging his state criminal conviction based on allegations concerning his asserted “Sovereign Status.” The magistrate judge recommended dismissal because the allegations did not present a cognizable challenge to the conviction and were frivolous; the recommendation

also stated that any attempted § 1983 claim would be noncognizable. Hickman objected, asserting that the state prosecutor's failure to answer a purported "conditional acceptance for value" entitled him to default. After de novo review, the district court adopted the recommendation, dismissed the petition, denied ancillary requests as moot, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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