

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PRECEDENTIAL VALUE	unpublished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

pleadings

constitutional law

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

constitutional law

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)

OPINION

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

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 KEVIN DUANE HICKMAN, No. 2:24-cv-02460-DAD-DMC (HC)

12 Petitioner, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS AND DISMISSING

13 v. PETITION AS FRIVOLOUS AND FAILING

TO STATE A COGNIZABLE CLAIM FOR

14 STATE OF CALIFORNIA, et al., FEDERAL HABEAS RELIEF

15 Respondents. (Doc. Nos. 12, 13, 18) 16 17 18 Petitioner Kevin Duane Hickman is a state
prisoner proceeding pro se and in forma 19 pauperis with a petition for writ of habeas corpus
pursuant to 28 U.S.C. § 2254. The matter was 20 referred to a United States Magistrate Judge
pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 21 302. 22 On August 7, 2025, the assigned
magistrate judge issued findings and recommendations 23 recommending that the pending petition
be summarily dismissed and that petitioner’s other 24 pending requests be denied as moot. (Doc.
No. 18.) Specifically, the magistrate judge concluded 25 that petitioner’s allegations regarding his
“Sovereign Status” and related assertions failed to 26 present any cognizable challenge to his
underlying state court criminal conviction and were 27 frivolous. (Id. at 2–3.) In addition, the
magistrate judge observed that even if petitioner was 28 // 1 attempting to state a civil rights
claim under 42 U.S.C. § 1983, his allegations would fail to state 2 any cognizable claim. (Id. at 3.)
3 The pending findings and recommendations were served on the parties and contained 4 notice
that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 5 3.) On

August 19, 2025, petitioner filed objections to the pending findings and recommendations. 6 (Doc. No. 19.) In his three-page objection, with 119 pages of attachments, petitioner suggests 7 that in his underlying state court criminal prosecution the district attorney failed to answer 8 petitioner's "conditional acceptance for value 'proof of claims'" and that petitioner was therefore 9 entitled to entry of default. (Id. at 1–3.) Just as with the allegations of the pending habeas 10 petition, the arguments advanced by petitioner in his objections are frivolous. Those objections 11 certainly provide no basis upon which to call into question or reject the pending findings and 12 recommendations. 13 Having concluded that the pending petition must be dismissed, the court also declines to 14 issue a certificate of appealability. A petitioner seeking writ of habeas corpus has no absolute 15 right to appeal; he may appeal only in limited circumstances. See 28 U.S.C. § 2253; *Miller-El v. 16 Cockrell*, 537 U.S. 322, 335-36 (2003). If a court denies a petitioner's petition, the court may only 17 issue a certificate of appealability when a petitioner makes a substantial showing of the denial of 18 a constitutional right. 28 U.S.C. § 2253(c)(2). Where, as here, the court denies habeas relief on 19 procedural grounds without reaching the underlying constitutional claims, the court should issue a 20 certificate of appealability "if jurists of reason would find it debatable whether the petition states 21 a valid claim of the denial of a constitutional right and that jurists of reason would find it 22 debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 23 U.S. 473, 484 (2000). In the present case, the court finds that reasonable jurists would not find 24 the court's determination that the pending petition must be dismissed to be debatable or wrong. 25 Thus, the court declines to issue a certificate of appealability. 26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a 27 de novo review of the case. Having carefully reviewed the entire file, including petitioner's 28 // 1 | objections, the court concludes that the findings and recommendations are supported by the 2 | record and by proper analysis. 3 Accordingly: 4 1. The findings and recommendations issued on August 7, 2025 (Doc. No. 18) are 5 adopted in full; 6 2. Petitioner's petition for a writ of habeas corpus is summarily dismissed; 7 3. Petitioner's requests for a bill exchange instrument and to discharge bond (Doc.

8 Nos. 12, 13) are denied as having been rendered moot by this order of dismissal;

9 and 10 4. The Clerk of the Court is directed to close this case. IT IS SO ORDERED. | pated: _
September 15, 2025 Da A. 2, ye

13 DALE A. DROZD

4 UNITED STATES DISTRICT JUDGE

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