

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

James Carl Kelly v. Governor Gavin Newsom, et al.

Kelly v. Newsom · No. 1:25-cv-0204 JLT SKO (HC) · Decided April 29, 2025

SUMMARY

The U.S. District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed James Carl Kelly’s § 2254 habeas petition with prejudice. The court held that Kelly’s allegations concerning denial of reasonable accommodations for law-library use were civil-rights claims not cognizable in habeas, directed the Clerk to provide § 1983 forms and close the case, and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	1:25-cv-0204 JLT SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. A magistrate judge conducted the required preliminary review, recommended dismissal because the petition raised civil-rights claims rather than a challenge to the conviction, and recommended providing a § 1983 civil-rights complaint form. After the petitioner failed to object, the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition with prejudice, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge’s findings and recommendations because the district court independently reviewed the matter.
PRECEDENTIAL VALUE	unknown

TOPICS

- federal habeas corpus
- prisoners rights
- section 1983
- post-conviction relief
- appellate procedure

PRACTICE AREAS

federal habeas corpus

prisoners rights

civil rights

post-conviction relief

QUESTIONS PRESENTED

1. Whether allegations concerning the denial of reasonable accommodations for law-library use are cognizable in a federal habeas petition under 28 U.S.C. § 2254.
2. Whether a certificate of appealability should issue after dismissal of the habeas petition.

HOLDINGS

1. Claims alleging the wrongful denial of reasonable accommodations for law-library use, without challenging the petitioner's conviction or the validity of his custody, are civil-rights claims and are not cognizable in a federal habeas action under 28 U.S.C. § 2254.
2. A certificate of appealability should not issue because the petitioner failed to make a substantial showing of the denial of a constitutional right, and reasonable jurists would not debate the dismissal of the petition.

KEY QUOTATIONS

“Petitioner does not challenge his conviction, and his civil rights claims are not cognizable in a federal habeas action.” (at 1-2)

“Reasonable jurists would not find the determination that Petitioner is not entitled to federal habeas corpus relief debatable, wrong, or deserving of encouragement to proceed further.” (at 2)

FACTUAL BACKGROUND

James Carl Kelly is a state prisoner proceeding pro se and in forma pauperis. His petition complained that requests for reasonable accommodations to use the law library were wrongfully denied. The petition did not challenge his conviction or the validity of his custody; the court characterized the allegations as civil-rights claims.

PROCEDURAL HISTORY

The magistrate judge reviewed the petition under Rule 4 of the Rules Governing Section 2254 Cases and found that the petitioner challenged the denial of reasonable accommodations for law-library use rather than the legality of his conviction or custody. The magistrate judge recommended dismissal and provision of a civil-rights complaint form. The petitioner obtained an extension but filed no objections; the district court then reviewed the matter de novo under 28 U.S.C. § 636(b)(1)(C), adopted the recommendations in full, dismissed the petition with prejudice, directed the clerk to provide § 1983 forms and close the case, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)
- Miller-El v. Cockrell, 537 U.S. 322, 335-336 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Barefoot v. Estelle, 463 U.S. 880, 893 (1983)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JAMES CARL KELLY, Case No. 1:25-cv-0204 JLT SKO (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING 13 v.
PETITIONER A BLANK CIVIL GOVERNOR GAVIN NEWSOM, et al., RIGHTS FORMS,
AND DIRECTING CLERK 15 OF COURT TO ENTER JUDGMENT AND Respondents.

CLOSE CASE 16 (Doc. 6) 17 ORDER DECLINING TO ISSUE 18 CERTIFICATE OF
APPEALABILITY 19 James Carl Kelly is a state prisoner proceeding pro se and in forma
pauperis with a 20 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The magistrate judge performed 21 a preliminary review of the petition pursuant to Rule 4 of the
Rules Governing Section 2254 22 Cases, and found Petitioner “complains that his reasonable
accommodation requests for law 23 library use were wrongfully denied.” (Doc. 6 at 2.)

The magistrate judge found that “Petitioner 24 does not challenge his conviction,” and his “civil
rights claims are not cognizable in a federal 25 habeas action.” (Id.) The magistrate judge
determined “Petitioner must seek relief for his 26 complaints by way of a civil rights action.” (Id.)

The magistrate judge recommended the Court 27 dismiss the petition and provide Petitioner with a
civil rights complaint form. (Id. at 3.) 28 The Court served the Findings and Recommendations on
Petitioner and notified him that 1 any objections were due within 21 days. (Doc. 6.)

The Court advised him that the “failure to file 2 objections within the specified time may result in
the waiver of rights on appeal.” (Id. at 3, citing 3 Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th
Cir. 2014).) Petitioner requested an extension of 4 time, and the magistrate judge granted an
additional 30 days to and including April 13, 2025, to 5 file objections.

(Docs. 9, 10.) Petitioner did not file objections, and the time to do so has passed. 6 According to
28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 7 case. Having carefully
reviewed the matter, the Court concludes the Findings and 8 Recommendations are supported by
the record and proper analysis. 9 In addition, the Court declines to issue a certificate of
appealability.

A state prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If the Court denies a petition, it may only issue a certificate of appealability when a petitioner makes a substantial showing of the denial of a constitutional right.

28 U.S.C. § 2253(c)(2). To make a substantial showing, Petitioner must establish that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

In the present case, the Court finds Petitioner did not make the required substantial showing of the denial of a constitutional right to justify the issuance of a certificate of appealability. Reasonable jurists would not find the determination that Petitioner is not entitled to federal habeas corpus relief debatable, wrong, or deserving of encouragement to proceed further.

Thus, the Court ORDERS: 1. The Findings and Recommendations issued on February 20, 2025 (Doc. 6) are ADOPTED in full. 2. The petition for writ of habeas corpus is DISMISSED with prejudice. 3. The Clerk of Court is directed to mail Petitioner blank forms for filing a § 1983 civil rights action. 4.

The Clerk of Court is directed to enter judgment and close the case. 5. The Court declines to issue a certificate of appealability. This order terminates the action in its entirety. IT IS SO ORDERED. Dated: April 29, 2025 Cerin | Tower TED STATES DISTRICT JUDGE