

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rafael Villalobos Hernandez v. Roberto A. Arias

Hernandez v. Arias · No. 1:25-cv-00812-KES-SKO (HC) · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of California vacated its October 7, 2025 Findings and Recommendation granting dismissal of Rafael Villalobos Hernandez’s federal habeas petition as premature. The court concluded that Younger abstention did not apply because the petitioner’s pending state appeal concerned only resentencing and did not permit him to relitigate the constitutional claims raised in his federal petition. The court recommended denying the respondent’s motion to dismiss and directing a response to the petition.

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	November 21, 2025
DOCKET	1:25-cv-00812-KES-SKO (HC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent moved to dismiss the petition as premature. After initially recommending dismissal, the magistrate judge considered the petitioner's objections, vacated the earlier findings and recommendation, and recommended denial of the motion to dismiss.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may dismiss a habeas petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court evaluated the motion to dismiss under the requirements for Younger abstention.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

federal habeas corpus

motions to dismiss

comity

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PRACTICE AREAS

Federal habeas corpus

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QUESTIONS PRESENTED

1. Whether Younger abstention required dismissal of the federal habeas petition because state resentencing or appellate proceedings were ongoing.
2. Whether the petition was premature when the state resentencing proceedings did not provide an opportunity to raise the constitutional claims asserted in the federal petition.
3. Whether the Court should vacate its prior findings and recommendation recommending dismissal.

HOLDINGS

1. Younger abstention did not require dismissal because the state resentencing proceeding did not provide petitioner an opportunity to raise the constitutional claims presented in the federal petition, and petitioner stated that he had abandoned the pending appeal.
2. The October 7, 2025 findings and recommendation recommending dismissal were vacated, and the Court recommended denial of respondent's motion to dismiss.

KEY QUOTATIONS

"Thus, Petitioner is correct that the third requirement for Younger abstention is not met, because the due process claims raised in his federal petition were already presented and denied by the state courts, and he did not have the opportunity to re-raise them in his resentencing proceeding." (at 2)

"Further, Petitioner states he has abandoned his appeal so there are no ongoing state proceedings. Younger's comity concerns are therefore not implicated." (at 2)

FACTUAL BACKGROUND

Petitioner is incarcerated at Calipatria State Prison pursuant to a 2022 Kings County Superior Court judgment. The California Court of Appeal vacated his sentence and remanded for resentencing while affirming the judgment in all other respects, including his constitutional claims; the California Supreme Court denied review. Petitioner was resentenced on August 14, 2025, and initially appealed, but stated in his federal objections that he had abandoned that appeal and that the resentencing proceedings did not permit him to relitigate the constitutional claims raised in his federal petition.

PROCEDURAL HISTORY

Petitioner challenged his conviction in a federal habeas petition filed June 9, 2025. Respondent moved to dismiss on September 5, 2025, and the Court initially issued findings and recommendation to grant the motion on October 7, 2025. After petitioner objected on November 19, 2025, the Court vacated the prior recommendation

and recommended that the motion be denied and that respondent file a response to the petition, subject to review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Herbst v. Cook, 260 F.3d 1039 (9th Cir. 2001)
- Younger v. Harris, 401 U.S. 37, 43-54 (1971)
- Duke v. Gastelo, 64 F.4th 1088, 1094-99 (9th Cir. 2023)
- Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982)
- Dubinka v. Judges of the Superior Court, 23 F.3d 218, 223 (9th Cir. 1994)
- Larios v. Alomari, 2025 WL 82303 (E.D. Cal. Jan. 13, 2025)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)