

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Padilla v. Arias

Padilla · No. 1:25-cv-00019-SAB-HC · Decided March 18, 2025

SUMMARY

This Findings and Recommendation from the Eastern District of California addresses Francisco Padilla’s petition for a writ of habeas corpus under 28 U.S.C. § 2254 and his motion for a Rhines stay. The court concludes that the petition is entirely unexhausted and that, although good cause was shown, the claims were plainly meritless or inadequately supported for purposes of a stay. It recommends denying the motion for a stay and dismissing the habeas petition without prejudice, and directs the clerk to randomly assign a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 18, 2025
DOCKET	1:25-cv-00019-SAB-HC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding pro se, filed a federal habeas petition under 28 U.S.C. § 2254 and moved to stay the action under Rhines v. Weber while he exhausted state remedies. The magistrate judge recommended denying the stay and dismissing the petition without prejudice because all claims were unexhausted and the claims were plainly meritless.
STANDARD OF REVIEW	A mixed or unexhausted federal habeas petition is subject to the exhaustion requirement in 28 U.S.C. § 2254(b)(1). A Rhines stay requires good cause for failure to exhaust, at least one unexhausted claim that is not plainly meritless, and no intentional dilatory litigation tactics. A claim is plainly meritless when it is perfectly clear that the petitioner has no hope of prevailing.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Francisco Padilla v. Roberto A. Arias

TOPICS

federal habeas corpus

post-conviction relief

comity

sentence modification

due process

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Padilla satisfied the requirements for a stay and abeyance under *Rhines v. Weber* despite failing to exhaust any of his four federal habeas claims in state court.
2. Whether at least one of Padilla's unexhausted claims was not plainly meritless for purposes of a *Rhines* stay.
3. Whether the petition should be dismissed without prejudice for failure to exhaust state remedies.

HOLDINGS

1. A stay and abeyance under *Rhines* requires good cause for the failure to exhaust, at least one unexhausted claim that is not plainly meritless, and the absence of intentionally dilatory litigation tactics.
2. A state prisoner must provide the highest state court a full and fair opportunity to consider each federal claim before seeking federal habeas relief.
3. Claims seeking resentencing based solely on state law do not provide a basis for federal habeas relief.
4. Padilla failed to show that his Marsden, involuntary-plea, and ineffective-assistance claims were potentially meritorious because his allegations were vague or conclusory and the attached state-court transcripts undermined them.

KEY QUOTATIONS

“Under Rhines v. Weber, 544 U.S. 269 (2005), “stay and abeyance” is available only in limited circumstances, and only when: (1) there is “good cause” for the failure to exhaust; (2) the unexhausted claims are not “plainly meritless”; and (3) the petitioner did not intentionally engage in dilatory litigation tactics.” (at 8-11)

“A petitioner in state custody who is proceeding with a petition for writ of habeas corpus must exhaust state judicial remedies.” (at 3-5)

“federal habeas corpus relief does not lie for errors of state law.” (at 3-5)

FACTUAL BACKGROUND

Padilla is a state prisoner challenging 2019 Tulare County Superior Court convictions for which he received a sentence of twenty-five years to life. His federal petition asserted four grounds for relief, including resentencing,

denial of a Marsden motion, an involuntary plea, and ineffective assistance of counsel. He acknowledged that the claims had not been presented to the highest state court and stated that he needed inmate assistance to prepare state habeas filings.

PROCEDURAL HISTORY

Padilla filed the federal habeas petition on January 6, 2025, challenging his 2019 Tulare County Superior Court convictions and sentence. He acknowledged that none of his four grounds had been presented to the highest state court and sought a stay based on circumstances including an emergency transfer, a court summons, and the need for inmate assistance. The magistrate judge recommended denial of the stay and dismissal without prejudice, subject to review by an assigned district judge under 28 U.S.C. § 636(b)(1)(C).

DISPOSITION

dismissed

CASES CITED

- Coleman v. Thompson, 501 U.S. 722, 731 (1991)
- Rose v. Lundy, 455 U.S. 509, 518 (1982)
- O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Duncan v. Henry, 513 U.S. 364, 365 (1995)
- Picard v. Connor, 404 U.S. 270, 276 (1971)
- Rhines v. Weber, 544 U.S. 269, 277-78 (2005)
- Dixon v. Baker, 847 F.3d 714, 720, 722 (9th Cir. 2017)
- Blake v. Baker, 745 F.3d 977, 980 (9th Cir. 2014)
- Pace v. DiGuglielmo, 544 U.S. 408, 416 (2005)
- Jackson v. Roe, 425 F.3d 654, 661-62 (9th Cir. 2005)
- Wooten v. Kirkland, 540 F.3d 1019, 1024 (9th Cir. 2008)
- Kelly v. Small, 315 F.3d 1063, 1070-71 (9th Cir. 2003)
- Calderon v. United States District Court (Taylor), 134 F.3d 981, 986 (9th Cir. 1998)
- King v. Ryan, 564 F.3d 1133, 1135 (9th Cir. 2009)
- Cassett v. Stewart, 406 F.3d 614, 624 (9th Cir. 2005)
- Wilson v. Corcoran, 562 U.S. 1, 5 (2010) (per curiam)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Schell v. Witek, 218 F.3d 1017, 1021, 1026 (9th Cir. 2000) (en banc)
- Clark v. Broomfield, 83 F.4th 1141, 1155 (9th Cir. 2023)
- Michaels v. Davis, 51 F.4th 904, 938 (9th Cir. 2022)
- Stenson v. Lambert, 504 F.3d 873, 886 (9th Cir. 2007)
- Carter v. Davis, 946 F.3d 489, 507-08 (9th Cir. 2019)

- Bradshaw v. Stumpf, 545 U.S. 175, 183 (2005)
- Brady v. United States, 397 U.S. 742, 748 (1970)
- Doe v. Woodford, 508 F.3d 563, 570 (9th Cir. 2007)
- Iaea v. Sunn, 800 F.2d 861, 866 (9th Cir. 1986)
- United States v. Silveira, 997 F.3d 911, 913 (9th Cir. 2021)
- Hill v. Lockhart, 474 U.S. 52, 56-59 (1985)
- McMann v. Richardson, 397 U.S. 759, 771 (1970)
- United States v. Ross, 511 F.3d 1233, 1236 (9th Cir. 2008)
- Strickland v. Washington, 466 U.S. 668, 690-91 (1984)
- Wildman v. Johnson, 261 F.3d 832, 839 (9th Cir. 2001)
- Styers v. Schriro, 547 F.3d 1026, 1030 n.5 (9th Cir. 2008)
- People v. Padilla, No. F085064, 2023 WL 6934811, at *8 (Cal. Ct. App. Oct. 20, 2023)
- U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- United States v. Raygoza-Garcia, 902 F.3d 994, 1001 (9th Cir. 2018)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)