

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Douglas Varnell Jackson, III v. Edward Borla

Jackson v. Borla · No. 1:24-cv-0786 JLT CDB · Decided September 23, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Douglas Varnell Jackson III’s 28 U.S.C. § 2254 habeas petition without leave to amend. The court found that the petition failed to state a cognizable federal habeas claim and that dismissal was also warranted for failure to prosecute and failure to maintain a current mailing address.

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	September 23, 2025
DOCKET	1:24-cv-0786 JLT CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended dismissal under Rule 4 of the Rules Governing § 2254 Cases, the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition without leave to amend, and directed the Clerk to close the case.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Douglas Varnell Jackson, III v. Edward Borla

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- state post-conviction relief
- civil procedure
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the § 2254 petition stated a cognizable federal habeas claim when it challenged the procedures and outcome of resentencing rather than the underlying conviction.
2. Whether leave to amend should be denied as futile because the proposed amendment would result in an improper successive petition.
3. Whether dismissal was warranted for failure to prosecute and failure to comply with the local rule requiring a self-represented party to maintain a current mailing address.

HOLDINGS

1. The petition failed to state a cognizable federal habeas claim because it challenged only the procedures and outcome of a resentencing petition, not the underlying conviction.
2. Leave to amend was denied because amendment would be futile and would result in an improper successive petition.
3. Dismissal was also appropriate because Petitioner failed to comply with Local Rule 183(b) by failing to provide a current mailing address after court mail was returned undeliverable, and failed to prosecute the action.

KEY QUOTATIONS

“The petition is DISMISSED without leave to amend, for failure to state a cognizable federal habeas claim and failure to prosecute.” (Opinion at 3)

FACTUAL BACKGROUND

Petitioner, a state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition challenged the procedures and outcome of a petition for resentencing rather than the underlying 2008 conviction, and Petitioner had previously been denied habeas relief relating to that conviction. Court mail was returned as undeliverable on August 22, 2025, and Petitioner did not notify the Court of a current address within 30 days.

PROCEDURAL HISTORY

The magistrate judge preliminarily reviewed the petition and concluded that it challenged only the procedures and outcome of a resentencing petition, rather than the underlying conviction, and therefore failed to state a cognizable federal habeas claim. The magistrate judge also found amendment would be futile because a new petition would be improperly successive. The district court adopted those findings and recommendations and additionally dismissed for failure to prosecute after mail to Petitioner was returned as undeliverable and Petitioner failed to provide a current address within 30 days.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Henderson v. Duncan, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992)
- Gaston v. Marean, 2020 WL 4059200, at *3 (E.D. Cal. July 20, 2020)

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