

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 DOUGLAS VARNELL JACKSON, III,) Case No.: 1:24-cv-0786 JLT CDB
) 12 Petitioner,) ORDER ADOPTING IN FULL THE FINDINGS) AND
RECOMMENDATIONS, DISMISSING THE 13 v.) PETITION, AND DIRECTING THE
CLERK OF) COURT TO CLOSE THE CASE 14 EDWARD BORLA,)) (Doc. 7) 15
Respondent.)) 16 17 Douglas Jackson III is a state prisoner proceeding with a petition for writ of
habeas corpus filed 18 28 U.S.C. § 2254.

(Doc. 1.) The magistrate judge performed a preliminary review of the petition 19 pursuant to Rule
4 of the Rules Governing § 2254 Cases and found Petitioner fails to state a cognizable 20 federal
claim, because he “challenges only the procedures and outcome of his petition for 21
resentencing..., not his underlying 2008 conviction.” (Doc. 7 at 2-3.)

The magistrate judge found that 22 leave to amend the petition would be futile, because Petitioner
was previously denied habeas relief 23 related to his conviction, and amendment “would result in
an improper successive petition.” (Id. at 3- 24 4.)

The magistrate judge recommended the Court dismiss the petition. (Id. at 4.) 25 The Court served
the Findings and Recommendations on Petitioner at the address on record and 26 notified him that
any objections were due within 14 days. (Doc. 7.)

The Court advised him that the 27 “failure to file objections within the specified time may result in
the waiver of rights on appeal.” (Id., 28 citing Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th
Cir. 2014).) However, the Postal Service 1 returned the Court’s mail as undeliverable on August
22, 2025. Nevertheless, the Court’s service is 2 deemed fully effective pursuant to Local Rule
182(f).

3 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. Having
4 carefully reviewed the matter, the Court concludes the Findings and Recommendations are
supported 5 by the record and proper analysis.

Moreover, Petitioner has failed to prosecute this matter. 6 Pursuant to Local Rule 183(b),
Petitioner is required to keep the Court informed of her current 7 mailing address. In relevant part,

the Local Rules provide: 8 A party appearing in propria persona shall keep the Court and opposing parties advised as to his or her current address. If mail directed to a 9 plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties 10 within thirty (30) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

11 12 Id. Because more than 30 days have passed since the Postal Service returned the Court's mail on 13 August 22, 2025, Petitioner failed to comply with Local Rule 183(b). Thus, the Court may also 14 "dismiss the action without prejudice for failure to prosecute." Id.; see also *Henderson v. Duncan*, 779 15 F.2d 1421, 1424 (9th Cir. 1986) (dismissal proper for failure to prosecute and comply with local rules 16 of court); *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir.

1995) (dismissal for failure to comply with 17 local rules). 18 In finding dismissal is also appropriate for failure to prosecute, the Court considered the factors 19 outlined by the Ninth Circuit including: "(1) the public's interest in expeditious resolution of litigation; 20 (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public 21 policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." 22 *Henderson*, 779 F.2d at 1423.

The public's interest in expeditiously resolving this litigation and the 23 Court's interest in managing the docket weigh in favor of dismissal. See *Yourish v. Cal. Amplifier*, 191 24 F.3d 983, 990 (9th Cir. 1999) ("The public's interest in expeditious resolution of litigation always 25 favors dismissal"); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (district courts have an 26 inherent interest in managing their dockets without being subject to noncompliant litigants).

Because 27 Petitioner failed to keep the Court informed of his current mailing address, the third factor also supports 28 dismissal. No lesser sanction is feasible given the Court's inability to communicate with Petitioner. 1 || *Gaston v. Marean*, 2020 WL 4059200, at *3 (E.D. Cal. July 20, 2020) ("given the Court's apparent 2 || inability to communicate with Plaintiff, there are no other reasonable alternatives available to address 3 || Plaintiffs failure to prosecute this action and his failure to apprise the Court of his current address").

4 || Thus, the Court ORDERS: 5 1. The Findings and Recommendations issued on August 7, 2025 (Doc. 7) are 6 ADOPTED in full. 7 2. The petition is DISMISSED without leave to amend, for failure to state a cognizable 8 federal habeas claim and failure to prosecute. 9 3.

The Clerk of Court is directed to close this case. 10 11 SO ORDERED. 12 || Dated: _ September 23, 2025 (LAW pA L. wan 13 TED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

