

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Marcus Allen Jeske v. Edward Borla

Jeske v. Borla · No. 1:25-cv-00994-JLT-SKO (HC) · Decided November 19, 2025

SUMMARY

The document is a magistrate judge's findings and recommendations in a federal habeas corpus action under 28 U.S.C. § 2254. The court recommends granting the respondent's motion to dismiss and dismissing the petition with prejudice as untimely under the Antiterrorism and Effective Death Penalty Act's one-year limitations period, concluding that neither statutory nor equitable tolling applies.

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 19, 2025
DOCKET	1:25-cv-00994-JLT-SKO (HC)
PROCEDURAL POSTURE	Findings and recommendations on Respondent's motion to dismiss a state prisoner's 28 U.S.C. § 2254 habeas petition as untimely.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may dismiss a petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court reviewed the timeliness issue under the Rule 4 standard applicable to a motion to dismiss.

FACTUAL BACKGROUND

Petitioner is a California state prisoner who sought

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition in the Northern District of California on May 9, 2025, and the case was transferred to the Eastern District of California on August 11, 2025. Respondent moved to dismiss as untimely, and Petitioner filed a traverse. Magistrate Judge Sheila K. Oberto recommended granting the motion and dismissing the petition with prejudice, subject to the parties' 21-day objection period and review by the assigned district judge.

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