

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gaddy v. Horn

No. 1:25-cv-0490 JLT SKO (HC), United States District Court for the Eastern District of California (June 12, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Michael Gaddy’s 28 U.S.C. § 2254 petition with prejudice. The court concluded that his claim concerning the timing of a California parole suitability hearing did not support federal habeas relief and declined to issue a certificate of appealability.

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	June 12, 2025
DOCKET	1:25-cv-0490 JLT SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner petition for a writ of habeas corpus under 28 U.S.C. § 2254; the district court reviewed and adopted a magistrate judge's findings and recommendations and dismissed the petition with prejudice.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations. For a certificate of appealability, the petitioner must make a substantial showing of the denial of a constitutional right.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Michael Gaddy v. P. Horn

TOPICS

- federal habeas corpus
- post-conviction relief
- due process
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Gaddy's claim concerning the timing of a California parole suitability hearing stated a cognizable federal habeas claim under 28 U.S.C. § 2254.
2. Whether the petition should be summarily dismissed with prejudice under Rule 4 of the Rules Governing Section 2254 Cases.
3. Whether Gaddy was entitled to a certificate of appealability.

HOLDINGS

1. The petition did not state a cognizable claim for federal habeas relief because the challenge to the timing of a parole suitability hearing did not sound in habeas and was clearly frivolous.
2. The petition for a writ of habeas corpus was dismissed with prejudice.
3. The court declined to issue a certificate of appealability because Gaddy did not make a substantial showing of the denial of a constitutional right and reasonable jurists would not debate the court's resolution.

KEY QUOTATIONS

“claim does not sound in habeas and is clearly frivolous.” (at 1)

“Reasonable jurists would not find the Court’s determination that Petitioner is not entitled to federal habeas corpus relief debatable, wrong, or deserving of encouragement to proceed further.” (at 2)

FACTUAL BACKGROUND

Michael Gaddy is a California state prisoner proceeding pro se and in forma pauperis. He alleged that he had not yet received a parole suitability hearing under California law, violating his due process rights. The findings and recommendations noted that, under California law, his minimum term before parole eligibility was 32 years from 2007, or 2039, and concluded that his assertion that he had been unconstitutionally denied parole was duplicative and clearly without merit.

PROCEDURAL HISTORY

Gaddy filed a § 2254 petition alleging that he had not received a parole suitability hearing under California law and that the delay violated due process. The magistrate judge conducted a Rule 4 preliminary review, recommended summary dismissal with prejudice, and served the findings and recommendations on Gaddy. Gaddy filed no objections, and the district court conducted de novo review, adopted the recommendations, dismissed the petition with prejudice, closed the case, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Miller-El v. Cockrell, 537 U.S. 322, 335-336 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Barefoot v. Estelle, 463 U.S. 880, 893 (1983)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL GADDY, Case No. 1:25-cv-0490 JLT SKO (HC) 12 Petitioner,
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE 13 v.
PETITION WRIT OF HABEAS CORPUS, AND DIRECTING CLERK OF COURT TO 14
ENTER JUDGMENT AND CLOSE CASE 15 P. HORN, (Doc. 5) 16 Respondent. ORDER
DECLINING TO ISSUE CERTIFICATE OF APPEALABILITY 17 18 Michael Gaddy is a state
prisoner proceeding pro se and in forma pauperis with a petition 19 for writ of habeas corpus
pursuant to 20 U.S.C. § 2254, asserting that has not yet received a 20 parole suitability hearing
pursuant to California law, in violation of his due process rights.

(See 21 generally Doc. 1.) The magistrate judge performed a preliminary review of the petition
pursuant 22 to Rule 4 of the Rules Governing Section 2254 Cases and found Petitioner’s “claim
does not 23 sound in habeas and is clearly frivolous.” (Doc. 5 at 2.)

The magistrate judge observed, “Under 24 California law, Petitioner’s minimum term of
imprisonment before eligibility for parole is 32 25 years from 2007, i.e., 2039.” (Id. at 3.) Towards
that end, the magistrate judge found the 26 assertion that Petitioner was unconstitutionally denied
parole was “duplicitous and clearly without 27 merit.” (Id.)

Therefore, the magistrate judge recommended the Court summarily dismiss the 28 petition with
prejudice. (Id. at 4.) 1 The Court served the Findings and Recommendations on Petitioner and
notified him that 2 any objections were due within 21 days. (Doc. 5.)

The Court advised him that the “failure to file 3 objections within the specified time may result in
the waiver of rights on appeal.” (Id., citing 4 Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir.
2014).) Petitioner did not file objections, 5 and the time to do so has passed. 6 According to 28
U.S.C. § 636(b)(1), this Court performed a de novo review of this case.

7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 8
are supported by the record and proper analysis. In addition, the Court declines to issue a 9
certificate of appealability. 10 A state prisoner seeking a writ of habeas corpus does not have an
absolute entitlement to 11 appeal the denial of his petition, and an appeal is only allowed in certain
circumstances.

Miller- 12 El v. Cockrell, 537 U.S. 322, 335-336 (2003). If a court denies a petition, it may only issue a 13 certificate of appealability when a petitioner makes a substantial showing of the denial of a 14 constitutional right. 28 U.S.C. § 2253(c)(2).

To make a substantial showing, the petitioner must 15 establish that “reasonable jurists could debate whether (or, for that matter, agree that) the petition 16 should have been resolved in a different manner or that the issues presented were ‘adequate to 17 deserve encouragement to proceed further.’” Slack v. McDaniel, 529 U.S. 473, 484 (2000) 18 (quoting Barefoot v. Estelle, 463 U.S. 880, 893 (1983)).

In the present case, Petitioner did not 19 make the required substantial showing of the denial of a constitutional right to justify the issuance 20 of a certificate of appealability. Reasonable jurists would not find the Court’s determination that 21 Petitioner is not entitled to federal habeas corpus relief debatable, wrong, or deserving of 22 encouragement to proceed further.

Based upon the foregoing, the Court ORDERS: 23 1. The Findings and Recommendations issued on May 12, 2025 (Doc. 5) are 24 ADOPTED in full. 25 2. The petition for writ of habeas corpus is DISMISSED with prejudice. 26 3.

The Clerk of Court is directed to enter judgment and close the case. 27 4. The Court declines to issue a certificate of appealability. 28 /// 1 This order terminates the action in its entirety. 2 3 IT IS SO ORDERED. 4] Dated: _ June 12, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28