

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard Anthony Garza v. Steve Smith

Garza v. Smith · No. 1:24-cv-1500 JLT EPG · Decided August 18, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge’s findings and recommendations concerning Richard Anthony Garza’s 28 U.S.C. § 2254 habeas petition. The court granted the respondent’s motion to dismiss, dismissed the petition as noncognizable and otherwise deficient, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 18, 2025
DOCKET	1:24-cv-1500 JLT EPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2254 habeas petition. The respondent moved to dismiss, and the district court adopted the magistrate judge's findings and recommendations, granted the motion, dismissed the petition, and closed the case.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) because the magistrate judge issued findings and recommendations.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Richard Anthony Garza v. Steve Smith

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- pleadings
- evidence

PRACTICE AREAS

- federal habeas corpus
- state post-conviction relief
- constitutional law

QUESTIONS PRESENTED

1. Whether Garza's challenge to the admission of parole-suitability-hearing transcripts at his resentencing proceedings stated a cognizable federal habeas claim.
2. Whether Garza's ineffective-assistance-of-counsel claim stated a cognizable federal habeas claim and could proceed despite being moot and unexhausted.
3. Whether respondent's motion to dismiss should be granted and the habeas petition dismissed.

HOLDINGS

1. A challenge to the admission of parole-suitability-hearing transcripts at resentencing proceedings is not cognizable in federal habeas corpus.
2. The ineffective-assistance claim could not proceed because it was moot and unexhausted, and there is no federal constitutional right to counsel in state post-conviction proceedings.
3. The respondent's motion to dismiss was granted, the habeas petition was dismissed, and the case was closed.

KEY QUOTATIONS

“Petitioner’s challenge to the admission of his parole suitability hearing transcripts at his resentencing proceedings is not cognizable in federal habeas corpus.” (at 3)

“there is not a federal constitutional right to counsel “in state post-conviction proceedings,”” (at 4)

FACTUAL BACKGROUND

Garza filed a federal habeas petition challenging the admission of transcripts from his parole suitability hearing at a state resentencing hearing. He also alleged ineffective assistance of counsel at that hearing. The district court relied on the magistrate judge's conclusions that the evidentiary challenge was not cognizable in federal habeas and that the ineffective-assistance claim was moot, unexhausted, and otherwise not cognizable based on the absence of a federal constitutional right to counsel in state post-conviction proceedings.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal after concluding that the challenge to the admission of parole-suitability-hearing transcripts was not cognizable in federal habeas corpus and that the ineffective-assistance claim was moot, unexhausted, and not cognizable because there is no federal constitutional right to counsel in state post-conviction proceedings. Petitioner was given 30 days to object but filed no objections. The district court conducted de novo review under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations in full, granted respondent's motion to dismiss, dismissed the petition, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Juarez v. Campbell*, 2023 WL 6170341, at *3 (C.D. Cal. Aug. 7, 2023), adopted, 2023 WL 6216707 (C.D. Cal. Sept. 25, 2023)
- *Coleman v. Thompson*, 501 U.S. 722 (1991)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

(HC) Garza v. Smith

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RICHARD ANTHONY GARZA,) Case No.: 1:24-cv-1500 JLT EPG) 12 Petitioner,)

ORDER ADOPTING IN FULL THE FINDINGS

) AND RECOMMENDATIONS, GRANTING

13 v.) RESPONDENT’S MOTION TO DISMISS,

) DISMISSING THE PETITION, AND DIRECTING

14 STEVE SMITH,) THE CLERK OF COURT TO CLOSE THE CASE

) 15 Respondent.) (Docs. 11, 13)) 16 17 Richard Anthony Garza seeks to proceed with a petition for writ of habeas corpus pursuant to 18 28 U.S.C. § 2254, challenging the admission of evidence—particularly, transcripts from his parole 19 suitability hearing—at his resentencing hearing. He also asserts that he received ineffective assistance 20 of counsel at the hearing. (Doc. 1.) Respondent moved to dismiss the petition, asserting Petitioner 21 “fails to state a cognizable federal claim.” (Doc. 11 at 1.) 22 The magistrate judge found that “Petitioner’s challenge to the admission of his parole suitability 23 hearing transcripts at his resentencing proceedings is not cognizable in federal habeas corpus.” (Doc. 24 13 at 3, citing *Juarez v. Campbell*, 2023 WL 6170341, at *3 (C.D. Cal. Aug. 7, 2023), adopted 2023 25 WL 6216707 (C.D. Cal. Sept. 25, 2023). The magistrate judge also determined that Petitioner’s claim 26 of ineffective assistance of counsel was moot and unexhausted. (Id. at 4.) Moreover, the magistrate 27 judge observed there is not a federal constitutional right to counsel “in state post-conviction 28 proceedings,” and as a result Petitioner could not state a cognizable claim related to ineffective 1 || assistance of counsel at the resentencing hearing. (/d., citing *Coleman v. Thompson*, 501 U.S. 722, 7: 2 ||(1991).) Therefore, the magistrate judge recommended the Court grant Respondent’s motion to 3 || dismiss. Cd.) 4 The Court served the Findings and Recommendations on the parties and notified Petitioner th. 5 || any objections were due within 30 days. (Doc. 13 at 4.) The Court advised Petitioner that the “failur 6 || to file objections within the specified time may waive the right to appeal the District Court’s order.” 7 || Ud. at 5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did not file 8 || objections, and the time to do so has passed. 9 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 10 || Having carefully reviewed the

matter, the Court concludes the Findings and Recommendations are 11 || supported by the record and proper analysis. Thus, the Court ORDERS: 12 1. The Findings and Recommendations dated July 7, 2025 (Doc. 13) are ADOPTED in 13 full. 14 2. Respondent's motion to dismiss (Doc. 11) is GRANTED. 15 3. The petition for writ of habeas corpus (Doc. 1) is DISMISSED. 16 4. The Clerk of Court is directed to close this case. 17 18 IS SO ORDERED. 19 || Dated: _ August 18, 2025 (LAW ph L. wan
20 TED STATES DISTRICT JUDGE
21 22 23 24 25 26 27 28