

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Tyler Reed Cossey v. Raul Morales

Cossey v. Morales · No. CV 26-00143-DSF (DFM) · Decided January 14, 2026

SUMMARY

The United States District Court for the Central District of California issued an order to show cause concerning a state prisoner’s habeas petition under 28 U.S.C. § 2254. The court explained that the petitioner’s challenge to the denial of resentencing under California Penal Code § 1172.1 appeared to present only a state-law issue and did not state a cognizable federal habeas claim. The petitioner was ordered to respond within 28 days or request voluntary dismissal, with failure to respond potentially resulting in dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Douglas F. McCormick
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 14, 2026
DOCKET	CV 26-00143-DSF (DFM)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the denial of a state-law motion to recall and resentence him. The district court issued an order to show cause why the petition should not be summarily dismissed.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must dismiss a habeas petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. Federal habeas relief is available only for custody in violation of the Constitution, laws, or treaties of the United States.
PRECEDENTIAL VALUE	unknown
PARTIES	Tyler Reed Cossey v. Raul Morales

TOPICS

federal habeas corpus

state post-conviction relief

sentence modification

due process

pleadings

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

sentencing

due process

criminal procedure

QUESTIONS PRESENTED

1. Whether Cossey's challenge to the state court's refusal to recall and resentence him under California Penal Code § 1172.1 states a cognizable claim for federal habeas relief.
2. Whether the alleged state sentencing error or general references to due process and the Sixth Amendment transform the state-law claim into a federal constitutional claim.
3. Whether California Penal Code § 1172.1 creates a protected liberty interest in resentencing enforceable under the Due Process Clause.

HOLDINGS

1. A state prisoner's claim that a state court failed to exercise its discretion under California Penal Code § 1172.1 to recall and resentence him is not cognizable on federal habeas review because it is premised exclusively on state law.
2. A petitioner's general references to due process or the Sixth Amendment are insufficient to convert an exclusively state-law sentencing claim into a cognizable federal habeas claim.
3. California Penal Code § 1172.1 does not create a protected liberty interest in resentencing because the statute's procedure is permissive rather than mandatory.

KEY QUOTATIONS

“Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires the district court to dismiss a habeas petition “if it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.”” (Page 1)

“Petitioner’s claim is not cognizable on federal habeas review because it is premised exclusively on an issue of state law” (Discussion section)

“There is therefore no basis for finding that section 1172.1 gives rise to a liberty interest enforceable as a matter of federal due process.” (Discussion section)

FACTUAL BACKGROUND

In 2013, Tyler Reed Cossey pleaded no contest to six counts of forcible rape and was sentenced to 46 years. In October 2024, he filed a motion to recall his sentence under California Penal Code § 1172.1, asserting alleged violations in California's consecutive-sentencing structure. The state trial court denied relief, and the California Court of Appeal and California Supreme Court declined to grant relief.

PROCEDURAL HISTORY

In 2013, Petitioner pleaded no contest to six counts of forcible rape and received a 46-year sentence. In October 2024, he moved in state court to recall his sentence; the trial court denied the motion, the California Court of Appeal denied his appeal, and the California Supreme Court summarily denied review. The federal district court concluded preliminarily that the petition appeared to raise only state-law sentencing issues and ordered Petitioner to show cause within 28 days why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- Christian v. Rhode, 41 F.3d 461, 469 (9th Cir. 1994)
- Nelson v. Biter, 33 F. Supp. 3d 1173, 1177 (C.D. Cal. 2014)
- Richmond v. Lewis, 506 U.S. 40, 50 (1992)
- People v. Dain, 99 Cal. App. 5th 399, 412 (2024)
- People v. Codinha, 92 Cal. App. 5th 976, 986-97 (2023)
- Boone v. Ratliff, No. 24-5665, 2025 WL 756867, at *2 (C.D. Cal. Jan. 16, 2025)
- Mills v. Marsh, No. 2:19-05237, 2020 WL 1180433, at *3 (C.D. Cal. Jan. 9, 2020)
- Gray v. Netherland, 518 U.S. 152, 163 (1996)
- Cacoperdo v. Demosthenes, 37 F.3d 504, 507 (9th Cir. 1994)
- Greenholtz v. Inmates of Neb. Penal & Corr. Complex, 442 U.S. 1, 7 (1979)
- Ky. Dep't of Corrs. v. Thompson, 490 U.S. 454, 462-63 (1989)
- Hewitt v. Helms, 459 U.S. 460 (1983)
- People v. Hodge, 107 Cal. App. 5th 985, 992 (2024)
- Gooden v. Johnson, No. 24-02648, 2024 WL 2139370, at *3 (C.D. Cal. May 13, 2024)

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