

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.

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL
MINUTES — GENERAL Case No. CV 26-00143-DSF (DFM) Date: January 14, 2026 Title
Tyler Reed Cossey v. Raul Morales Present: The Honorable Douglas F. McCormick, United States
Magistrate Judge | Deputy Clerk Court Reporter Attorney(s) for Petitioner(s): Attorney(s) for
Respondent(s): Not Present Not Present Proceedings: (IN CHAMBERS) Order to Show Cause
Re: Dismissal of Petition Petitioner Tyler Reed Cossey, a state prisoner proceeding pro se, filed a
Petition for Writ of Habeas Corpus by a Person in State Custody under 28 U.S.C. § 2254.

See Dkt. 1 (“Petition”). Rule 4 of the Rules Governing Section 2254 Cases in the United States
District Courts requires the district court to dismiss a habeas petition “[i]f it plainly appears from
the petition and any attached exhibits that the petitioner is not entitled to relief in the district
court.” For the reasons discussed below, Petitioner is ordered to show cause why the Petition
should not be dismissed because it fails to state a cognizable claim on federal habeas review.

I. BACKGROUND In 2013, Petitioner pled no contest to six counts of forcible rape and was
sentenced to 46 years. See Petition at 1. In October 2024, Petitioner filed a “motion for recall of
unlawful sentence,” which the trial court denied. See *id.* at 3, 24. Petitioner’s appeal was denied
by the California Court of Appeal, see *id.* at 4, 28-31, and his petition for review was summarily
denied by the California Supreme Court, see *id.* at 4-5, 33.

Petitioner claims that the Superior Court committed plain error when it failed to resentence him
under California Penal Code § 1172.1. See Petition at 5. He asserts that CDCR’s formal warning
system has flagged “multiple violations of California’s consecutive sentencing architecture,
including that the offense term exceeded the controlling principal.” *Id.* at 6.

(12/02) CIVIL MINUTES-GENERAL Initials of Deputy Clerk: nb Page 1 of 3 CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES – GENERAL II. DISCUSSION Federal habeas relief is available to state inmates who are “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). “Absent a showing of fundamental unfairness, a state court’s misapplication of its own sentencing laws does not justify federal habeas relief.” *Christian v. Rhode*, 41 F.3d 461, 469 (9th Cir.

1994). “A habeas petitioner must show that an alleged state sentencing error was ‘so arbitrary or capricious as to constitute an independent due process violation.’” *Nelson v. Biter*, 33 F. Supp. 3d 1173, 1177 (C.D. Cal. 2014) (quoting *Richmond v. Lewis*, 506 U.S. 40, 50 (1992)). Assembly Bill No. 600, which took effect on January 1, 2024, amended California Penal Code § 1172.1 “to allow a trial court, on its own motion, to recall a sentence and resentence a defendant when ‘applicable sentencing laws at the time of the original sentencing are subsequently changed by new statutory authority or case law.’” *People v. Dain*, 99 Cal. App.

5th 399, 412 (2024) (quoting Cal. Penal Code § 1172.1 (a)(1), as amended by Stats. 2023, ch. 446, § 2.)) Before that, trial courts lacked authority to do so unless the sentence was unauthorized or the Secretary of CRDR recommended the sentence be recalled. See *People v. Codinha*, 92 Cal. App. 5th 976, 986-97 (2023). Petitioner’s claim is not cognizable on federal habeas review because it is premised exclusively on an issue of state law—whether the trial court should exercise its discretion under § 1172.1 to recall his sentence and resentence him.

See *Boone v. Ratliff*, No. 24-5665, 2025 WL 756867, at *2 (C.D. Cal. Jan. 16, 2025) (finding that petitioner’s challenge to the denial of his petition for recall and resentencing under §§ 1170.18 and 1172.1(a)(1) was not cognizable on federal habeas review); *Mills v. Marsh*, No. 2:19-05237, 2020 WL 1180433, at *3 (C.D. Cal. Jan. 9, 2020) (same). That Petitioner alludes to his right to due process is insufficient to transform his state-law claim into a cognizable federal one.

See *Gray v. Netherland*, 518 U.S. 152, 163 (1996) (explaining that petitioner may not convert state-law claim into federal one by making general appeal to constitutional guarantee); see also *Cacoperdo v. Demosthenes*, 37 F.3d 504, 507 (9th Cir. 1994) (habeas petitioner’s mere reference to Due Process Clause was insufficient to render his claims viable under 14th Amendment).

Petitioner’s argument that his sentence violates the Sixth Amendment is particularly confusing given that his plea agreed to a specific term and a specific total sentence, which the trial court imposed. Petitioner, likewise, cannot show that he has a protected liberty interest in being resentenced under § 1172.1. “There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.” *Greenholtz v. Inmates of Neb. Penal & Corr.*

Complex, 442 U.S. 1, 7 (1979). A state statute may, however, confer a liberty interest under the Due Process Clause when it places substantive limits on official discretion. See CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES – GENERAL Ky. Dep’t of Corrs. v. Thompson, 490 U.S. 454, 462 (1989).

To give rise to a liberty interest, the statute must contain “‘explicitly mandatory language,’ i.e., specific directives to the decisionmaker that if the [statute’s] substantive predicates are present, a particular outcome must follow.” Id. at 463 (quoting *Hewitt v. Helms*, 459 U.S. 460 (1983)).

The § 1172.1 procedure for resentencing, however, is permissive, not mandatory. It provides that a court may “recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if they had not previously been sentenced.” In fact, as noted by the California Court of Appeal in rejecting Petitioner’s appeal, “a defendant who chooses to file an unauthorized request for resentencing has no right to a ruling.” Petition at 30 (citing *People v. Hodge*, 107 Cal. App.

5th 985, 992 (2024)). “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.” *Gooden v. Johnson*, No. 24-02648, 2024 WL 2139370, at *3 (C.D. Cal. May 13, 2024). III. CONCLUSION Accordingly, Petitioner is ORDERED TO SHOW CAUSE in writing within twenty- eight (28) days why the Petition should not be summarily dismissed for failure to allege a cognizable habeas claim.

Petitioner may instead request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). The Clerk of the Court has attached a Notice of Dismissal form. Petitioner is warned that his failure to timely respond to this Order will result in the Court recommending that this action be dismissed with prejudice for some or all of the reasons listed above and for failure to prosecute.

See Fed. R. Civ. P. 41(b).