

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

James Carl Kelly v. Galvin Newsome, et al.

No. 1:25-cv-00085-KES-SAB (HC), United States District Court for the Eastern District of California (April 30, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed James Carl Kelly’s 28 U.S.C. § 2254 habeas petition for lack of jurisdiction. The court denied his motion for a preliminary injunction and temporary restraining order, directed closure of the case, 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	April 30, 2025
DOCKET	1:25-cv-00085-KES-SAB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 and moved for a preliminary injunction and temporary restraining order. After a magistrate judge recommended dismissal for lack of jurisdiction and denial of the injunctive relief, the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition, denied the motion, closed the case, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1). For a certificate of appealability, the court applied whether reasonable jurists could debate the resolution of the petition or whether the issues deserved encouragement to proceed further.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation and no stated precedential designation.
PARTIES	James Carl Kelly v. Galvin Newsome, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the § 2254 petition for lack of jurisdiction should be adopted.
2. Whether petitioner was entitled to a preliminary injunction or temporary restraining order.
3. Whether a certificate of appealability should issue from the dismissal of the habeas petition.

HOLDINGS

1. The petition must be dismissed for lack of jurisdiction because petitioner was not entitled to habeas relief, as determined in the adopted findings and recommendations.
2. Petitioner's motion for a preliminary injunction and temporary restraining order was denied.
3. A certificate of appealability should not issue because reasonable jurists would not find the court's determination debatable or wrong and petitioner should not be allowed to proceed further.

KEY QUOTATIONS

“The Court should issue a certificate of appealability if “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” (at 2)

FACTUAL BACKGROUND

James Carl Kelly was a state prisoner who filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He also sought a preliminary injunction and temporary restraining order. The court determined, adopting the magistrate judge's analysis, that the petition should be dismissed for lack of jurisdiction.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On February 18, 2025, the magistrate judge issued findings and recommendations recommending dismissal of the habeas petition for lack of jurisdiction and denial of the motion for preliminary injunction and temporary restraining order. Petitioner filed no objections, and the district court independently reviewed the case de novo before adopting the findings and recommendations in full.

DISPOSITION

dismissed

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Barefoot v. Estelle, 463 U.S. 880, 893 & n.4 (1983)

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