

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

federal habeas corpus

subject matter jurisdiction

injunctions

appellate procedure

writ of certiorari

PRACTICE AREAS

federal habeas corpus

post-conviction relief

injunctive relief

appellate procedure

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)

OPINION

(HC) Kelly v. Newsome

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 JAMES CARL KELLY, No. 1:25-cv-00085-KES-SAB (HC)

12 Petitioner, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS, DISMISSING

13 v. PETITION FOR WRIT OF HABEAS

CORPUS, DENYING PETITIONER’S

14 GALVIN NEWSOME, et al., MOTION FOR PRELIMINARY

INJUNCTION AND TEMPORARY

15 Respondents. RESTRAINING ORDER, DIRECTING

CLERK OF COURT TO CLOSE CASE, AND

16 DECLINING TO ISSUE A CERTIFICATE OF

APPEALABILITY

17 (Docs. 3, 8) 18 19 Petitioner James Carl Kelly is a state prisoner proceeding pro se with a
petition for writ of 20 habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a
United States 21 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 22
On February 18, 2025, the assigned magistrate judge issued findings and 23 recommendations that
recommended dismissing the petition for lack of jurisdiction and denying 24 petitioner’s motion
for preliminary injunction and temporary restraining order. Doc. 8. The 25 findings and
recommendations were served on petitioner and contained notice that any objections 26 thereto
were to be filed within thirty days after service. To date, no objection shave been filed, 27 and the
time for doing so has passed. 28 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the
Court has conducted a de 1 | novo review of the case. Having carefully reviewed the entire file, the
Court holds the findings 2 | and recommendations to be supported by the record and proper
analysis. 3 Having found that petitioner is not entitled to habeas relief, the Court now turns to 4 |
whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus 5 |
has no absolute entitlement to appeal a district court’s denial of his petition, and an appeal is 6 |
allowed only in certain circumstances. Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003); 28 7 |

U.S.C. § 2253. The Court should issue a certificate of appealability if “reasonable jurists could 8 | debate whether (or, for that matter, agree that) the petition should have been resolved in a 9 | different manner or that the issues presented were ‘adequate to deserve encouragement to proceed 10 | further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 US. 11 | 880, 893 & n.4 (1983)). 12 In the present case, the Court finds that reasonable jurists would not find the Court’s 13 | determination that the petition should be dismissed debatable or wrong, or that petitioner should 14 | be allowed to proceed further. Therefore, the Court declines to issue a certificate of appealability. 15 Accordingly: 16 1. The findings and recommendations issued on February 18, 2025, Doc. 8, are 17 ADOPTED in full; 18 2. The petition for writ of habeas corpus is DISMISSED; 19 3. Petitioner’s motion for preliminary injunction and temporary restraining order, Doc. 3, 20 is DENIED; 21 4. The Clerk of Court is directed to close the case; and 22 5. The court declines to issue a certificate of appealability. 23 24

95 | IT IS SO ORDERED. _

26 Dated: _ April 30, 2025 4h

37 UNITED STATES DISTRICT JUDGE

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