

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Alexander R. Soto v. Ken Clark

Soto v. Clark · No. 1:21-cv-0691 JLT HBK (HC) · Decided March 7, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Alexander R. Soto’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court rejected claims concerning the right to present a defense and testify, jury instructions on vehicular manslaughter, and the right to a complete defense. The court declined to issue a certificate of appealability and directed the clerk to close the case.

CASE DETAILS

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| COURT              | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| JURISDICTION       | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DECIDED            | March 7, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET             | 1:21-cv-0691 JLT HBK (HC)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE | Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court reviewed the magistrate judge's findings and recommendations de novo after petitioner failed to file timely objections, adopted the findings and recommendations, denied the petition, declined to issue a certificate of appealability, and ordered the case closed.                                                                                                                                                                                                                                             |
| STANDARD OF REVIEW | Under 28 U.S.C. § 636(b)(1), the district court conducted de novo review of the magistrate judge's findings and recommendations. For the habeas claims, relief was unavailable unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the United States Supreme Court, or was based on an unreasonable determination of the facts. Any trial-court error regarding the challenged question was reviewed for harmlessness under whether it had a substantial and injurious effect or influence on the verdict. |
| PRECEDENTIAL VALUE | unpublished and nonprecedential district court order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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## PARTIES

Alexander R. Soto v. Ken Clark

## TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

constitutional law

standard of review

## PRACTICE AREAS

federal habeas corpus

post-conviction relief

constitutional law

appellate procedure

## QUESTIONS PRESENTED

1. Whether the state trial court violated Soto's Sixth Amendment right to present a defense and testify by sustaining an objection to a question during his testimony.
2. Whether the failure to instruct on vehicular manslaughter as a lesser included offense warranted federal habeas relief.
3. Whether the failure to instruct on vehicular manslaughter deprived Soto of a complete defense.
4. Whether a certificate of appealability should issue.

## HOLDINGS

1. The petition did not establish that the state court's rejection of Soto's claim was contrary to, or an unreasonable application of, clearly established federal law, or rested on an unreasonable determination of the facts. Soto had an opportunity to testify and present a full defense, and any error in sustaining the objection did not have a substantial and injurious effect or influence on the verdict.
2. The claim concerning the failure to give a vehicular-manslaughter instruction did not warrant federal habeas relief because Soto could not show that the state court's decision was contrary to clearly established federal law, and the federal court was bound by the state court's determination of state-law instructional requirements.
3. The claim was not cognizable on federal habeas review because there is no federal constitutional right to jury instructions on lesser included offenses in noncapital cases, much less a right to instructions on lesser related offenses, and no clearly established federal law supported Soto's asserted right to an instruction as part of his complete-defense right.
4. A certificate of appealability should not issue because reasonable jurists would not find the denial of the petition debatable or wrong and Soto failed to make a substantial showing of the denial of a constitutional right.

## KEY QUOTATIONS

*“Ground Three was “not cognizable on federal habeas review” because “there is not a federal constitutional right to instructions on lesser included offenses in non-capital cases, and even less of a right to instructions on lesser related offenses.”” (2)*

*“reasonable jurists would not find the Court’s denial of the petition debatable or wrong, or that the issues presented are deserving of encouragement to proceed further.” (3)*

## FACTUAL BACKGROUND

Soto was convicted in state court and petitioned for federal habeas relief based on an objection sustained during his testimony and the state trial court's failure to instruct the jury on vehicular manslaughter. The challenged testimony concerned whether Soto thought someone could get hurt while he was driving. The state courts rejected his claims, and the federal magistrate judge concluded that Soto had the opportunity to testify and present a full defense, that any evidentiary error was harmless, and that the jury-instruction claims did not warrant federal habeas relief.

## PROCEDURAL HISTORY

Soto filed a § 2254 petition challenging aspects of his state criminal trial, including an alleged restriction on his testimony and the failure to instruct the jury on vehicular manslaughter. The magistrate judge recommended denial after concluding the claims were meritless or not cognizable under federal habeas law. After granting multiple extensions, the court-directed deadline for objections expired without objections, and the district court conducted de novo review and adopted the recommendations in full.

## DISPOSITION

dismissed

## CASES CITED

- Bradshaw v. Richey, 546 U.S. 74, 76 (2005)
- Hopkins v. Reeves, 524 U.S. 88 (1998)
- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)