

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Paul Edward Duran v. Warden

Duran v. Warden · No. 2:25-cv-09033-HDV-RAO · Decided September 26, 2025

SUMMARY

The United States District Court for the Central District of California summarily dismissed Paul Edward Duran’s successive 28 U.S.C. § 2254 habeas petition for lack of jurisdiction. The court determined that the petition challenged the same 2014 state conviction addressed in Duran’s prior habeas action and that he had not obtained authorization from the Ninth Circuit to file a successive petition. The dismissal was without prejudice, and the court denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Hernan D. Vera
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 26, 2025
DOCKET	2:25-cv-09033-HDV-RAO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court sua sponte dismissed the petition without prejudice for lack of jurisdiction because Petitioner had not obtained authorization from the Ninth Circuit.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, a district court may dismiss a habeas petition based on the petition and attached exhibits when the petition plainly shows that the petitioner is not entitled to relief. A district court may sua sponte dismiss a second or successive petition for lack of jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value
PARTIES	Paul Edward Duran v. Warden, Lancaster Prison

TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

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QUESTIONS PRESENTED

1. Whether the present § 2254 petition was a second or successive habeas petition because it challenged the same state-court conviction previously challenged in federal habeas proceedings.
2. Whether the district court had jurisdiction to consider the successive petition absent authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3)(A).
3. Whether Petitioner was entitled to a certificate of appealability after the procedural dismissal.

HOLDINGS

1. The petition was a second or successive habeas petition because it challenged the same 2014 conviction previously challenged in a federal habeas action that was denied on the merits.
2. The district court lacked jurisdiction to consider the successive petition because Petitioner had not obtained authorization from the Ninth Circuit before filing it.
3. A certificate of appealability was denied because reasonable jurists could not debate the correctness of the procedural dismissal for lack of authorization to file a successive petition.

KEY QUOTATIONS

“Because Petitioner’s claims in the instant Petition challenge the same 2014 conviction previously challenged on the merits in a prior habeas action, the Court finds that the instant Petition is clearly second or successive.” (at 3)

“For these reasons, the Court finds that it lacks jurisdiction to consider the Petition.” (at 3-4)

“The Petition is DISMISSED without prejudice for lack of jurisdiction; and” (at 4)

FACTUAL BACKGROUND

Petitioner is incarcerated pursuant to a 2014 conviction in Los Angeles County Superior Court. He previously challenged that conviction in a federal habeas petition, which was denied on the merits and dismissed with prejudice. The present petition again challenges custody arising from the same conviction, and Petitioner had not obtained authorization from the Ninth Circuit to file a successive petition.

PROCEDURAL HISTORY

Petitioner previously filed a habeas petition challenging the same 2014 Los Angeles County Superior Court conviction in the Central District of California. The prior petition was denied on the merits and dismissed with prejudice in 2019. Petitioner then filed the present petition without obtaining authorization from the Ninth

Circuit to file a successive petition. The district court dismissed the petition without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Duran v. Cate, No. 2:16-cv-02666 (C.D. Cal. Feb. 28, 2019)
- Burton v. Stewart, 549 U.S. 147, 152-53 (2007)
- Day v. McDonough, 547 U.S. 198, 205-06 (2006)
- Jones v. Davis, 8 F.4th 1027, 1035 (9th Cir. 2021)
- Gonzalez v. Crosby, 545 U.S. 524, 529-30 (2005)
- Felker v. Turpin, 518 U.S. 651, 656-57, 664 (1996)
- Balbuena v. Sullivan, 980 F.3d 619, 634-35 (9th Cir. 2020)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)
- Slack v. McDaniel, 529 U.S. 473, 478 (2000)