

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Frederick Jones v. Jones

Jones · No. 1:25-cv-00908-EPG-HC · Decided August 18, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing Frederick Jones’s amended petition for a writ of habeas corpus because it seeks correction of the spelling of his name rather than relief concerning the fact or duration of his confinement. The court also directs the clerk to randomly assign a district judge and advises that objections may be filed within 30 days.

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	August 18, 2025
DOCKET	1:25-cv-00908-EPG-HC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendation by a magistrate judge recommending dismissal of a state prisoner's amended petition for writ of habeas corpus at the preliminary screening stage.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may dismiss a habeas petition at preliminary review when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown
PARTIES	Frederick Jones v. Jones

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure
- remedies

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Civil procedure

QUESTIONS PRESENTED

1. Whether a state prisoner's petition seeking correction of the spelling of his name, without challenging the conviction, sentence, or fact or duration of confinement, is cognizable under federal habeas corpus.
2. Whether the amended petition should be dismissed at preliminary review under Rule 4 of the Rules Governing Section 2254 Cases.

HOLDINGS

1. A petition seeking correction of a prisoner's name, without challenging the underlying conviction or sentence or the fact or duration of confinement, is not cognizable in federal habeas corpus and is not the proper vehicle for the requested relief.
2. A habeas petition may be dismissed before the respondent is ordered to respond when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief in the district court.

KEY QUOTATIONS

“A claim is cognizable in habeas when a prisoner challenges “the fact or duration of his confinement” and “seeks either immediate release from that confinement or the shortening of its duration.”” (at 1)

“However, as Petitioner does not challenge his underlying criminal conviction or sentence or the fact or duration of his confinement in the instant petition, a petition for writ of habeas corpus is not the proper vehicle for Petitioner’s claim and will not address the issue he seeks to remedy.” (at 1)

FACTUAL BACKGROUND

Frederick Jones, a state prisoner, filed a habeas petition and amended petition seeking correction of the spelling of his name from the spelling used by the California Department of Corrections and Rehabilitation. He did not challenge his criminal conviction, sentence, or the fact or duration of his confinement.

PROCEDURAL HISTORY

Petitioner initially filed a habeas petition in the District of Columbia on July 14, 2025, without stating grounds for relief but requesting orders concerning the spelling of his name. He filed an amended petition for name correction on July 16, 2025. The Eastern District of California magistrate judge recommended dismissal under Rule 4 and directed the clerk to randomly assign a district judge; objections were permitted within thirty days.

DISPOSITION

dismissed

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 489 (1973)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(HC)Jones v. Jones

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

9 10 FREDERICK JONES, Case No. 1:25-cv-00908-EPG-HC 11 Petitioner, FINDINGS AND
RECOMMENDATION TO

DISMISS PETITION FOR WRIT OF

12 v. HABEAS CORPUS

13 JONES, ORDER DIRECTING CLERK OF COURT

TO ASSIGN DISTRICT JUDGE

14 Respondent. (ECF No. 4) 15 16 Petitioner Frederick Jones is a state prisoner proceeding pro se
with a petition for writ of 17 habeas corpus. Given that the instant amended petition is not
cognizable in federal habeas 18 corpus, the undersigned recommends that the amended petition be
dismissed. 19 I.

20 BACKGROUND

21 On July 14, 2025, Petitioner filed a petition for writ of habeas corpus in the United States 22
District Court for the District of Columbia. (ECF No. 1.) Although the petition did not state any 23
grounds for relief, it did request a court order under the doctrine of idem sonans¹ and a separate 24
court order containing a three judge signature for name correction. (Id. at 6–7.2) On July 16, 25
2025, Petitioner filed an amended petition for name correction. (ECF No. 4.) 26 1 Idem sonans is a
“legal doctrine preventing a variant spelling of a name in a document from voiding the 27
document if the misspelling is pronounced the same way as the true spelling.” Idem Sonans,
Black’s Law Dictionary (12th ed. 2024). 1 II.

2 DISCUSSION

3 Rule 4 of the Rules Governing Section 2254 Cases requires preliminary review of a
4 habeas petition and allows a district court to dismiss a petition before the respondent is ordered 5
to file a response, if it “plainly appears from the petition and any attached exhibits that the 6
petitioner is not entitled to relief in the district court.” Rule 4, Rules Governing Section 2254 7
Cases in the United States District Courts, 28 U.S.C. foll. § 2254. 8 By statute, federal courts
“shall entertain an application for a writ of habeas corpus in 9 behalf of a person in custody
pursuant to the judgment of a State court only on the ground that he 10 is in custody in violation of
the Constitution or laws or treaties of the United States.” 28 U.S.C. 11 § 2254(a). A claim is
cognizable in habeas when a prisoner challenges “the fact or duration of his 12 confinement” and
“seeks either immediate release from that confinement or the shortening of its 13 duration.”
Preiser v. Rodriguez, 411 U.S. 475, 489 (1973). 14 Petitioner states that his “current legal name” is

Frederick Jones, (ECF No. 4), while the 15 California Department of Corrections and Rehabilitation's inmate directory lists Petitioner's 16 name as Fredrick Jones. California Incarcerated Records and Information Search, 17 <https://ciris.mt.cdcr.ca.gov/search> (search by "CDCR Number" for "P85158") (last visited July 18 28, 2025). Based on Petitioner's submissions in this matter, it appears Petitioner wishes to 19 correct the spelling of his name. However, as Petitioner does not challenge his underlying 20 criminal conviction or sentence or the fact or duration of his confinement in the instant petition, a 21 petition for writ of habeas corpus is not the proper vehicle for Petitioner's claim and will not 22 address the issue he seeks to remedy.3 23 III.

24 RECOMMENDATION & ORDER

25 Accordingly, the undersigned HEREBY RECOMMENDS that that the petition for writ 26 of habeas corpus be dismissed. 27 3 The Court notes that pursuing an administrative remedy with the California Department of Corrections 1 Further, the Clerk of Court is DIRECTED to randomly assign a District Court Judge to 2 | the present matter. 3 This Findings and Recommendation is submitted to the assigned United States District 4 | Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local 5 | Rules of Practice for the United States District Court, Eastern District of California. Within 6 | THIRTY (30) days after service of the Findings and Recommendation, Petitioner may file 7 | written objections, no longer than fifteen (15) pages, including exhibits, with the Court and 8 | serve a copy on all parties. Such a document should be captioned "Objections to Magistrate 9 | Judge's Findings and Recommendation." The assigned United States District Court Judge will 10 | then review the Magistrate Judge's ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are 11 | advised that failure to file objections within the specified time may waive the right to appeal the 12 | District Court's order. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). 14 15 IT IS SO ORDERED. 16} Dated: _ August 18, 2025 [Je hey —

U7 UNITED STATES MAGISTRATE JUDGE

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