

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.

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 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. 13 | 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 18 19 20 21 22 23 24 25 26 27 28