

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gazaway v. State of California

Gazaway · No. 2:23-CV-0699-WBS-DMC-P · Decided June 18, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Jerrald D. Gazaway’s motion to amend the August 30, 2024 final judgment in his 28 U.S.C. § 2254 habeas corpus action. The court concluded that relief under Federal Rules of Civil Procedure 52(b) and 59(e) was unavailable because the motion was filed more than 28 days after entry of judgment, and Rule 59(a) did not apply because no trial occurred.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 18, 2025
DOCKET	2:23-CV-0699-WBS-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding pro se, moved to amend the final judgment in his closed federal habeas action under Federal Rules of Civil Procedure 52(b), 59(a), and/or 59(e).
STANDARD OF REVIEW	The court analyzed the motion under the applicable Federal Rules of Civil Procedure governing post-judgment relief; no separate appellate standard of review was applied.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jerrald D. Gazaway v. State of California

TOPICS

- federal habeas corpus
- post-conviction relief
- motion to amend
- motion for reconsideration
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

post-judgment motions

QUESTIONS PRESENTED

1. Whether the motion could be granted under Federal Rule of Civil Procedure 52(b) when filed more than 28 days after entry of judgment.
2. Whether Federal Rule of Civil Procedure 59(a) applied when no trial had been held.
3. Whether the motion could be granted under Federal Rule of Civil Procedure 59(e) when filed more than 28 days after entry of judgment.

HOLDINGS

1. Relief under Rule 52(b) was unavailable because the motion was filed more than 28 days after entry of final judgment.
2. Rule 59(a) was inapplicable because it governs motions for a new trial and no trial had been held.
3. The motion could not be granted under Rule 59(e) because it was filed more than 28 days after entry of final judgment.

KEY QUOTATIONS

“Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion to amend the August 30, 2024, final judgment, ECF No. 45, is DENIED.” (at 2)

FACTUAL BACKGROUND

Gazaway is a state prisoner who pursued federal habeas relief under 28 U.S.C. § 2254. Final judgment was entered on August 30, 2024, and no trial was held. He filed a motion to amend the judgment on January 13, 2025, more than 28 days after judgment.

PROCEDURAL HISTORY

Gazaway filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court entered final judgment on August 30, 2024. Gazaway filed his motion to amend on January 13, 2025, and the court denied it as untimely under Rules 52(b) and 59(e); Rule 59(a) was inapplicable because no trial had occurred.

DISPOSITION

other

CASES CITED

- Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985)
- Schroeder v. McDonald, 55 F.3d 454, 458-59 (9th Cir. 1995)
- Houston v. Lack, 487 U.S. 266 (1988)

OPINION

(HC) Gazaway v. State of CA

PER CURIAM.

1 2 3 4 5 6 7

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JERRALD D. GAZAWAY, No. 2:23-CV-0699-WBS-DMC-P

12 Petitioner, 13 v. ORDER

14 STATE OF CALIFORNIA,

15 Respondent. 16

17 Petitioner, a state prisoner proceeding pro se, brought this petition for a writ of 18 habeas corpus pursuant to 28 U.S.C. § 2254. Final judgment was entered on August 30, 2024. 19 See ECF No. 43. Pending before the Court in this closed action is Petitioner's motion to amend 20 the judgment. See ECF No. 45. 21 In his motion, Petitioner states that he seeks relief pursuant to Federal Rules of 22 Civil Procedure 52(b), 59(a), and/or 59(e). See id. Rule 52(b) outlines procedures for a motion 23 to amend or make additional findings related to a final judgment. See Fed. R. Civ. P. 52(b). 24 Relief under that provision is unavailable in this case because a motion under Rule 52(b) must be 25 filed within 28 days after entry of judgment and Petitioner's pending motion was filed on January 26 13, 2025, which is more than 28 days after entry of final judgment on August 30, 2024. The 27 Court will, therefore, analyze Petitioner's motion under Rule 59(a) and (e). 28 / / /

1 Rule 59(a), which governs motions for a new trial, is inapplicable in this case

2 | because no trial was held. Generally, a motion to alter or amend a final judgment is appropriately 3 | brought under Federal Rule of Civil Procedure 59(e). See Backlund v. Barnhart, 778 F.2d 1386, 4 | 1388 (9th Cir. 1985) (discussing reconsideration of summary judgment); see also Schroeder v. 5 | McDonald, 55 F.3d 454, 458-59 (9th Cir. 1995). The motion must be filed no later than twenty- 6 | eight (28) days after entry of the judgment.! See Fed. R. Civ. P. 59(e). As with relief under Rule 7 | 52(b), relief under Rule 59(e) is also unavailable in this case because Petitioner's motion was 8 | filed more than 28 days after entry of final judgment. 9 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion to amend the 10 | August 30, 2024, final judgment, ECF No. 45, is DENIED. 11 | Dated: June 17, 2025 Jy Ld . ak. AY /

12 WILLIAM B. SHUBB

B UNITED STATES DISTRICT JUDGE

14 15 16 17 18 19 20 21 22 23 24 25 26 | ——— □ Pursuant to Houston v. Lack, 487 U.S. 266 (1988), for pro se prisoner litigants 27 | seeking reconsideration, the court calculates the 28-day period from the date the motion was delivered to prison authorities for mailing to the court.

Otherwise, the 28-day period is 28 | calculated based on the date the motion for reconsideration is actually filed.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/gazaway-v-state-of-california-eqlt865a>