

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Matthew Nicholson v. Warden

Nicholson v. Warden · No. 2:25-cv-05898-SVW-SK · Decided August 6, 2025

SUMMARY

The court orders petitioner Matthew Nicholson to show cause within 14 days why his habeas petition should not be dismissed. The order explains that the petition does not clearly identify the convictions, custody basis, jurisdictional statute, or grounds for relief, and permits petitioner to voluntarily dismiss or file an amended petition.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Steve Kim
JURISDICTION	United States District Court for the Central District of California
DECIDED	August 6, 2025
DOCKET	2:25-cv-05898-SVW-SK
DISPOSITION	other
PROCEDURAL POSTURE	Pro se federal habeas petition under an uncertain statutory basis; the magistrate judge issued an order to show cause requiring petitioner to explain why the petition should not be dismissed or to file an amended petition.
PRECEDENTIAL VALUE	unpublished
PARTIES	Matthew Nicholson v. Warden

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether a habeas petition that fails to identify the applicable jurisdictional statute, the conviction or custody at issue, and discernible grounds for relief may proceed under Rule 4.
2. Whether the petitioner should be ordered to show cause, voluntarily dismiss without prejudice, or amend the petition to state proper jurisdictional grounds and supporting facts and legal theories.

HOLDINGS

1. A habeas petition that leaves the court and respondent unable to determine the asserted grounds for relief is insufficient under Rule 4 and may be subject to dismissal.
2. A petitioner may clarify an otherwise ambiguous habeas claim through clear and repeated references to an appended supporting brief that adequately presents the claim, but that method was unavailable because no referenced attachment was filed.

KEY QUOTATIONS

“A petition that leaves both the court and respondent guessing as to the grounds asserted is subject to dismissal.” (Rule 4 discussion)

“For these reasons, petitioner is ORDERED TO SHOW CAUSE within 14 days of this order why his petition should not be dismissed for failure to state any grounds for relief.” (Order to Show Cause)

FACTUAL BACKGROUND

Petitioner appeared to be a convicted inmate seeking habeas relief, but stated that he was unsure what crimes he had been convicted of. He invoked both the state-prisoner statute, 28 U.S.C. § 2254, and the federal-prisoner statute, 28 U.S.C. § 2255, without clarifying the basis for jurisdiction or custody. The petition also referred to an attached letter and supporting materials that were not attached.

PROCEDURAL HISTORY

Matthew Nicholson filed a petition invoking both 28 U.S.C. §§ 2254 and 2255. The petition did not identify the crimes of conviction, clarify whether petitioner was in state or federal custody, state discernible grounds for relief, or include an attachment referenced in the petition. The court ordered petitioner to show cause within 14 days, permitted voluntary dismissal without prejudice or amendment, and warned that failure to respond could result in closure of the case for lack of prosecution and noncompliance.

DISPOSITION

other

CASES CITED

- Hines v. Napolitano, 2007 WL 2859745, at *1 (S.D. Cal. Sept. 26, 2007)
- Hernandez v. Montgomery, 2020 WL 5875025, at *1 (C.D. Cal. July 6, 2020)
- Barnett v. Duffey, 621 F. App'x 496, 497 (9th Cir. 2015)

OPINION

CIVIL MINUTES – GENERAL Case No. 2:25-cv-05898-SVW-SK Date: August 6, 2025 Title Matthew Nicholson v. Warden Present: The Honorable: Steve Kim, United States Magistrate Judge Connie Chung n/a Deputy Clerk Court Reporter / Recorder Attorneys Present for Petitioner: Attorneys Present for Respondent: None present None present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE Petitioner Matthew Nicholson appears to be a convicted inmate seeking habeas relief.

But in the petition filed here, he asserts—with no elaboration—that his confinement violates due process even though he is “unsure what crimes [he] was convicted of.” (ECF 1 at 4–5). What’s more, he invokes both 28 U.S.C. § 2254 (which applies to state prisoners) and 28 U.S.C. § 2255 (which applies to federal prisoners), so it is unclear whether petitioner is in state or federal custody.

(ECF 1). Finally, the petition references an “attached letter” but nothing of the kind is attached to his petition. (ECF 1 at 4–5, 7, 18–23, 27). While the court must liberally construe pro se pleadings, it cannot “engage in a tenuous analysis in order to attempt to identify and make sense of” a petition. *Hines v. Napolitano*, 2007 WL 2859745, at *1 (S.D. Cal. Sept.

26, 2007). A petition that leaves both the court and respondent guessing as to the grounds asserted is subject to dismissal. See, e.g., *Hernandez v. Montgomery*, 2020 WL 5875025, at *1 (C.D. Cal. July 6, 2020). And while a habeas petitioner may adequately plead “an otherwise ambiguous claim by making ‘clear and repeated’ references to an appended supporting brief that presents the claim with sufficient particularity,” *Barnett v. Duffey*, 621 F. App’x 496, 497 (9th Cir.

2015), there is nothing attached to the petition here that could serve that purpose. For these reasons, petitioner is ORDERED TO SHOW CAUSE within 14 days of this order why his petition should not be dismissed for failure to state any grounds for relief. See Rule 4 of Rules Governing Section 2254 (“If it plainly appears from the CIVIL MINUTES – GENERAL Case No. 2:25-cv-05898-SVW-SK Date: August 6, 2025 Title Matthew Nicholson v. Warden petition... that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner); see also L.R.

72- 3.2 (summary dismissal of habeas petition authorized when “it plainly appears from the face of the petition” that “petitioner is not entitled to relief”). Petitioner may discharge this order by voluntarily dismissing this petition without prejudice using the attached Form CV-09y. Alternatively, petitioner may file an amended petition invoking the proper jurisdictional grounds and laying out the operative facts and legal theories in support of any requested habeas relief.

Petitioner is warned that failure to timely respond as ordered may lead to the immediate closing of this case with no further notice for lack of prosecution and noncompliance with court orders. See

Fed. R. Civ. P. 41(b); L.R. 41-1; see also L.R. 41- 6 (requiring pro se litigants to keep court timely apprised of any change in record address). IT IS SO ORDERED.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-central-district-of-cal/2025/matthew-nicholson-v-warden-fpljp1sl>