

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Vargas v. Borla

Vargas · No. 3:25-cv-00896 (BEN) (MSB) · Decided July 30, 2025

SUMMARY

The United States District Court for the Southern District of California summarily dismissed Ernesto Vargas’s successive habeas petition under the gatekeeper provision of 28 U.S.C. § 2244(b)(3)(A). The court held that Vargas had not obtained authorization from the Ninth Circuit to file a second or successive petition challenging the same state-court judgment. The court denied his renewed motion to proceed in forma pauperis as moot and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Roger T. Benitez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 30, 2025
DOCKET	3:25-cv-00896 (BEN) (MSB)
PROCEDURAL POSTURE	Petitioner filed a successive federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the same state-court judgment previously challenged in an earlier federal habeas petition. The district court dismissed the amended petition without prejudice for lack of authorization from the Ninth Circuit, denied the renewed in forma pauperis motion as moot, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	For a petition dismissed on procedural grounds without reaching the constitutional claims, a certificate of appealability requires a showing that reasonable jurists could debate both whether the petition states a valid constitutional claim and whether the district court correctly ruled procedurally. The court also applied the jurisdictional authorization requirement for second or successive habeas petitions under 28 U.S.C. § 2244(b)(3)(A).
PARTIES	Ernesto Vargas v. Edward J. Borla, Warden

QUESTIONS PRESENTED

1. Whether the district court could consider Vargas's § 2254 petition challenging the same state-court judgment previously challenged in a federal habeas petition without prior authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3)(A).
2. Whether the renewed motion to proceed in forma pauperis should be denied as moot after dismissal of the petition.
3. Whether a certificate of appealability should issue for the procedural dismissal.

HOLDINGS

1. A district court lacks jurisdiction to consider a second or successive habeas petition challenging the same custody imposed by the same state-court judgment unless the petitioner first obtains authorization from the appropriate court of appeals under 28 U.S.C. § 2244(b)(3)(A). Because Vargas had not obtained Ninth Circuit authorization, the court dismissed the petition without prejudice.
2. The renewed motion to proceed in forma pauperis was denied as moot because the habeas petition was dismissed.
3. A certificate of appealability should not issue because reasonable jurists would not debate the correctness of dismissing the unauthorized successive petition.

FACTUAL BACKGROUND

Vargas is a California state prisoner challenging an October 14, 2003 San Diego County Superior Court conviction and a resulting sentence of 32 years and four months. He previously filed a federal habeas petition challenging that same judgment, and the prior petition was denied on the merits with prejudice. In the present action, Vargas acknowledged that the petition was not his first federal challenge to the judgment, but he had not obtained authorization from the Ninth Circuit to file a second or successive petition.

PROCEDURAL HISTORY

Vargas filed the present § 2254 petition on April 11, 2025. The court initially denied in forma pauperis status and dismissed the petition without prejudice for failure to satisfy the filing-fee requirement and failure to state a cognizable federal claim. Vargas then filed a first amended petition and renewed motion to proceed in forma pauperis. The court took judicial notice that Vargas had previously filed a federal habeas petition challenging the same 2003 San Diego County conviction and sentence, which had been denied on the merits with prejudice; the Ninth Circuit later denied a certificate of appealability. Because Vargas had not obtained Ninth Circuit authorization for a second or successive petition, the district court dismissed the amended petition without prejudice.