

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Reginald Blount v. Schultz

Blount v. Schultz · No. 2:25-cv-2179-DAD-CKD P · Decided September 23, 2025

SUMMARY

The document is a magistrate judge’s findings and recommendations in a federal habeas corpus action brought by Reginald Blount against Schultz. The court recommends dismissal without prejudice because the petitioner failed to pay the filing fee or submit an application to proceed in forma pauperis after being ordered to do so. The recommendations advise that objections may be filed within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 23, 2025
DOCKET	2:25-cv-2179-DAD-CKD P
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus. After the court ordered him to pay the filing fee or submit an application to proceed in forma pauperis, he failed to comply. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final adjudication in the source document.
PARTIES	Reginald Blount v. Schultz

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Filing fees
- In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the habeas action should be dismissed without prejudice when petitioner failed to pay the required filing fee or submit an application to proceed in forma pauperis after being ordered to do so.

HOLDINGS

1. The action should be dismissed without prejudice because petitioner failed to pay the required filing fee, file an application to proceed without prepayment of fees, or otherwise respond to the court's order.

KEY QUOTATIONS

“Accordingly, *IT IS RECOMMENDED* this action be dismissed without prejudice.” (Page 1, lines 1-3)

FACTUAL BACKGROUND

Reginald Blount, a state prisoner, filed a federal habeas petition challenging his 2012 conviction in Sacramento Superior Court and claiming that his sentence was unauthorized under Senate Bill 1393. The federal court required a \$5.00 filing fee or an application to proceed without prepayment of fees. Despite an order and warning, Blount did not pay the fee, submit the application, or otherwise respond within the time allowed.

PROCEDURAL HISTORY

Petitioner challenged his 2012 Sacramento Superior Court conviction and asserted that his sentence was unauthorized under Senate Bill 1393. The court ordered petitioner to pay the \$5.00 filing fee or submit an affidavit supporting in forma pauperis status, warning that failure to comply would result in a recommendation of dismissal. Petitioner neither paid the fee nor filed the required application or otherwise responded, so the magistrate judge recommended dismissal without prejudice and advised petitioner of the 14-day objection period.

DISPOSITION

dismissed

CASES CITED

- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

Schultz

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 REGINALD BLOUNT, No. 2:25-cv-2179-DAD-CKD P

12 Petitioner,

13 v. FINDINGS AND RECOMMENDATIONS

14 SCHULTZ,

15 Respondent. 16

17 18 Petitioner, a state prisoner, filed a petition for writ of habeas corpus challenging his 2012 19
conviction in the Sacramento Superior Court and asserting his sentence is unauthorized based on
20 Senate Bill 1393. (See ECF No. 1 at 5.) A filing fee of \$5.00 is required to commence a habeas
21 corpus action in federal district court. 28 U.S.C. § 1914(a). The court may authorize the 22
commencement of an action “without prepayment of fees and costs or security therefor, by a 23
person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 24
U.S.C. § 1915(a). 25 By order filed on August 8, 2025, petitioner was ordered to submit an
affidavit in support 26 of his request to proceed in forma pauperis or the appropriate filing fee.
Petitioner was cautioned 27 that failure to do so would result in a recommendation that this action
be dismissed. The time 28 granted for that purpose has expired and petitioner has not paid the fee,
filed an application to 1 | proceed without prepayment of fees, or otherwise responded to the
court’s order regarding the 2 || need to pay the fee or file the application to proceed without
prepayment of fee. 3 Accordingly, IT IS RECOMMENDED this action be dismissed without
prejudice. 4 These findings and recommendations are submitted to the United States District Judge
5 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after
6 || being served with these findings and recommendations, petitioner may file written objections 7
|| with the court and serve a copy on all parties. Such a document should be captioned 8 |
“Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that 9 ||
failure to file objections within the specified time may waive the right to appeal the District 10 ||
Court’s order. Martinez v. YIst, 951 F.2d 1153 (9th Cir. 1991). 11 | Dated: September 23, 2025 / aa
/ a Ly a

13 UNITED STATES MAGISTRATE JUDGE

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