

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Gezo Edwards v. B. M. Trate

Edwards v. Trate · No. 2:24-CV-0887-DMC-P · Decided August 5, 2025

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN
DISTRICT OF CALIFORNIA 10 11 GEZO EDWARDS, No. 2:24-CV-0887-DMC-P 12
Petitioner, ORDER 13 v. and 14 B. M. TRATE, FINDINGS AND RECOMMENDATIONS 15
Respondent. 16 17 Petitioner, a federal prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus under 28 U.S.C. § 2241. Pending before the Court is Respondent’s motion to 19
dismiss petition for a writ of habeas corpus, ECF No. 13.

Also pending before the Court is 20 Petitioner’s motion for summary judgment, ECF No. 19. 21
22 I. BACKGROUND 23 A. Petitioner’s Claims 24 Petitioner requests “expungement of [his]
prison discipline record germane to 25 Incident Report No. 3613940,” arguing that the Unit
Discipline Committee (UDC) process 26 violated Petitioner’s due process rights. ECF No. 2, pgs.

7-8. Incident Report No. 3613940 arose 27 from an allegation that Petitioner was in possession of
unauthorized food items on April 5, 2022. 28 See id. at 20. Petitioner contends that the UDC was
conducted by just one committee member 1 and Petitioner was not provided a timely written
decision. See id. at 7. Further, Petitioner argues 2 he was denied the opportunity to present
witnesses and evidence in defense of himself, “the 3 incident report is deficient on its face,” and
the “unreasonable delay in delivering the incident 4 report” hindered his ability to properly appeal.

Id. at 8. Finally, Petitioner contends the “combined 5 affects” of his previously asserted claims
“prejudiced” Petitioner. Id. at 9. Petitioner asserts these 6 errors violated his right to due process.
See ECF No. 21, pg. 4. Petitioner appealed the UDC 7 decision on June 12, 2023, and again on
August 22, 2023. See ECF No. 2 at 3. 8 Petitioner acknowledges he is serving a life sentence,
which generally would make 9 him ineligible for habeas relief seeking expungement because it
does not have the potential to 10 shorten his incarceration.

See ECF No. 21, pg. 2. However, Petitioner asserts this Court has 11 jurisdiction and his claim is
properly brought under § 2241 because Petitioner is seeking 12 compassionate release and
therefore, his disciplinary record may impact his release date. See id. 13 at 2-3. Petitioner argues
compassionate release is distinguishable from parole, which Petitioner 14 concedes that courts
have established is “too attenuated to invoke” a habeas request for 15 expungement of a
disciplinary record.

See *id.* at 2. According to Petitioner, 16 compassionate release under 18 U.S. Code § 3582 requires consideration of “the history and 17 characteristics of the defendant,” which Petitioner contends is “inseparably tied to a prisoner’s 18 disciplinary record.” ECF No. 21, pg. 3 (quoting 18 U.S.C. § 3553 (a)(1)). 19 With regard to Petitioner’s motion for summary judgment, Petitioner argues that 20 because the government failed to provide Petitioner a copy nor serve Petitioner with their motion 21 to dismiss, Petitioner is entitled to summary judgment.

See ECF No. 19. Petitioner contends this 22 is in violation of the Federal Rules of Civil Procedure and due to such failure, Petitioner’s motion 23 for summary judgment should be granted, and the incident should be expunged from his record. 24 See *id.* Prior to the motion for summary judgment, on February 7, 2025, Petitioner filed a notice 25 informing the Court and government that he had not received a copy of the motion to dismiss.

See 26 ECF No. 18, pg. 1 Petitioner asserts that he was informed of the filing on January 14, 2025, when 27 he received a docket sheet from the clerk. See *id.* 28 / / / 1 B. Respondent’s Position 2 In the answer, Respondent first argues that Petitioner’s disciplinary decision was 3 supported by “physical evidence, direct law enforcement observation, contemporaneous 4 supporting documentation plus memoranda, and subsequent confession,” which is sufficient to 5 meet the standard required by the Supreme Court.

See ECF No. 13, pg. 4 (citing *Superintendent, 6 Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 454-455 (1985)). Second, Respondent contends that the 7 “Wolff due process safeguards are not implicated” because Petitioner does not have a 8 constitutionally protected liberty interest in his prison discipline record. See *id.* at 5 (citing *Wolff 9 v. McDonnell*, 418 U.S. 539 (1974)).

And finally, Respondent asserts that this Court lacks subject 10 matter jurisdiction because the length of Petitioner’s prison term is not impacted by the discipline 11 record Petitioner challenges. See *id.* at 5-6. 12 13 II. DISCUSSION 14 A. Petitioner’s Motion for Summary Judgment 15 Petitioner requests summary judgment asserting that Respondent failed to properly 16 serve Petitioner with the motion to dismiss.

See ECF No. 19. Petitioner additionally provided a 17 statement from the Supervisory Correctional Systems Specialist stating that “Mr. Edwards did not 18 receive your letter from the court1 until December 4, 2024, due to a delay in mail processing... I 19 am requesting you provide Mr. Edwards with additional time to work on his case.” ECF No. 18 at 20 3. Petitioner states that he learned of the motion to dismiss when he received “a docket sheet from 21 the Clerk” on January 12, 2025.

See *id.* at 1. 22 Respondent’s motion to dismiss included a certificate of service asserting that the 23 motion to dismiss was placed in an envelope with proper postage and address for Petitioner on 24 September 4, 2024. See ECF No. 13, pg. 7. 25 / / / 26 27 1 It is unclear what the December 4,

2025, letter indicated in the attached statement was, and whether it was Respondent's motion to dismiss.

However, this fact does not impact whether 28 service was effectuated here. 1 Local Rule 135 requires that individuals not registered for electronic filing, such as 2 a prisoner or pro se litigant, be "conventionally served" in accordance with the Federal Rules of 3 Civil Procedure. See L. R. 135. Federal Rule of Civil Procedure 5 (b)(2)(C) permits service by 4 "mailing it to the person's last known address—in which event service is complete upon mailing." 5 Fed.

Rule Civ. Pro. 5 (b)(2)(C). 6 Here, Respondent's motion to dismiss included proof of service that stated a copy 7 of the motion to dismiss was mailed to Petitioner's last known address on September 4, 2024. See 8 ECF No. 13, pg. 7. Service of the motion to dismiss was complete upon such mailing on 9 September 4, 2024. See L. R. 135; Fed. Rule Civ. Pro. 5 (b)(2)(C).

Thus, the undersigned 10 recommends Petitioner's motion for summary judgment, ECF No. 19, be denied. 11 B. Eligibility for Habeas Relief 12 Respondent argues that this court lacks subject matter jurisdiction because 13 expunging the incident from Petitioner's discipline record "would not shorten petitioner's 14 confinement." ECF No. 13, pg. 5. Petitioner contends that he is eligible for habeas relief because 15 of the impact his disciplinary record may have on his motion for compassionate release.

See ECF 16 No. 21, pg. 2. This Court finds that Petitioner's claim is not cognizable because it does not fall 17 within the core of habeas corpus and therefore, Respondent's motion to dismiss should be 18 granted. 19 When a state prisoner challenges the legality of his custody – either the fact of 20 confinement or the duration of confinement – and the relief he seeks is a determination that he is 21 entitled to an earlier or immediate release, such a challenge is cognizable in a petition for a writ of 22 habeas corpus.

See *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). If a petitioner's claim does 23 not lie at "the core of habeas corpus," as established in *Preiser*, "it may not be brought in habeas 24 corpus." *Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (quoting *Preiser v. Rodriguez*, 411 25 U.S. 475, 487 (1973)); C.f. *Blair v. Martel*, 645 F.3d 1151, 1157-58 (9th Cir.

2011). 26 Respondent analogizes Petitioner's claim to the Ninth Circuit case *Nettles*, where a 27 prisoner sought §2254 habeas relief in the form of expungement of a disciplinary record. See ECF 28 No. 13, pg. 6. This Court finds the analysis in *Nettles* instructive. *Nettles* argued that his 1 disciplinary record "delayed his parole hearing and constituted grounds for future denial of 2 parole," and his claim falls within habeas because expungement of that record would "accelerate 3 his eligibility for parole." *Nettles*, 830 F.3d at 927.

There, the Court determined that because 4 parole determination was "in the discretion of the parole board... [and] success on *Nettles*'s 5 claims would not even necessarily lead to an earlier

parole hearing... Nettles's claims would not necessarily lead to his immediate or earlier release from confinement.” Id. at 935. Based on that analysis, the Court held that Nettles’s claim “does not fall within ‘the core of habeas corpus,’” and Nettles was therefore ineligible for habeas relief.

See id. Here, Petitioner asserts that he is seeking compassionate release under 18 U.S. Code § 3582, which requires consideration of “the history and characteristics of the defendant.” 18 U.S.C. § 3553 (a)(1). Petitioner contends that consideration is “inseparably tied to a prisoner’s disciplinary record” and, in support of that contention, Petitioner provides a string of citations to cases where courts consider disciplinary records when determining eligibility for compassionate release.

ECF No. 21, pg. 3. The Court disagrees with Petitioner and finds compassionate release to be analogous to parole eligibility, as addressed by the Ninth Circuit in Nettles. As the Ninth Circuit found with parole, compassionate release is discretionary, expungement of a disciplinary record “would not even necessarily result” in compassionate release, and therefore, Petitioner’s claims would not necessarily lead to his immediate or earlier release from confinement.” Nettles, 830 F.3d at 935.

While Petitioner is correct that a disciplinary record may be considered when determining whether compassionate release is appropriate, the existence of Petitioner’s disciplinary record would not dispositively impact Petitioner’s compassionate release motion and, in turn, his release date. Petitioner may still be eligible for compassionate release with his disciplinary record, as nothing in the statute requires that prisoners have a clear record to be eligible.

Further, even if Petitioner’s record were expunged, a clear disciplinary record is not decisive for compassionate release. As such, Petitioner’s claim “does not fall within ‘the core of habeas corpus,’” and is therefore not cognizable. Nettles, 830 F.3d at 935.

Thus, the undersigned will recommend that Respondent’s motion to dismiss be granted. C. Recharacterizing Petitioner’s Claim 2 When a habeas corpus action is filed which may state claims cognizable under § 3 1983, the district court may recharacterize the action as a civil rights action where the action is amenable to such recharacterization. See Nettles v. Grounds, 830 F.3d 922, 936 (9th Cir.

2016) 5 (en banc). A habeas action is amendable to recharacterization when it names the correct defendants and seeks the correct relief. See id. If the district court is inclined to recharacterize a habeas action as a civil rights action, it may only do so after “notifying and obtaining informed consent from the prisoner.” Id. 9 The undersigned recommends that the District Judge decline to recharacterize Petitioner’s claim as a civil rights action because Petitioner named the warden as Defendant, not the individuals involved in Petitioner’s disciplinary hearing.

See ECF No. 2, pg. 1. 12 /// 13 /// 14 /// 15 /// 16 /// 17 /// 18 /// 19 /// 20 /// 21 /// 22 //
/ 23 /// 24 /// 25 /// 26 /// 27 /// 28 /// 1 Ill. CONCLUSION 2 Accordingly, IT IS HEREBY
ordered and recommended as follows: 3 1. It is ORDERED that the Clerk of the Court is directed
to randomly assign 4 | a District Judge to this case.

5 2. It is RECOMMENDED Petitioner's motion for summary judgment, ECF 6 | No. 19, be
denied. 7 3. It is RECOMMENDED Respondent's motion to dismiss, ECF No. 13, be 8 | granted.
9 These findings and recommendations are submitted to the United States District 10 || Judge
assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days 11 | after
being served with these findings and recommendations, any party may file written 12 || objections
with the court.

Responses to objections shall be filed within 14 days after service of 13 || objections. Failure to
file objections within the specified time may waive the right to appeal. See 14 | Martinez v. Yist,
951 F.2d 1153 (9th Cir. 1991). 15 16 | Dated: August 5, 2025 Ss..c0_, M7 DENNIS M. COTA 18
UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 27 28