

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Raymond Glen Berry v. Marales, Warden

No. CV 25-8197-GW(E) (C.D. Cal. Sept. 10, 2025) · No. No. CV 25-8197-GW(E) · Decided September 10, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Raymond Glen Berry’s successive habeas corpus petition challenging his Los Angeles Superior Court conviction and sentence. The court held that it lacked jurisdiction because Berry had not obtained authorization from the Ninth Circuit to file a second or successive petition under 28 U.S.C. § 2244(b). The petition was denied and dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 10, 2025
DOCKET	No. CV 25-8197-GW(E)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a second federal habeas petition under 28 U.S.C. § 2254 challenging the same state conviction and sentence previously challenged in an earlier habeas action. The district court dismissed the petition without prejudice because petitioner had not obtained authorization from the Ninth Circuit to file a second or successive petition.
STANDARD OF REVIEW	The court applied the jurisdictional requirements governing second or successive habeas petitions under 28 U.S.C. § 2244(b).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Raymond Glen Berry, Petitioner v. Marales, Warden, Respondent

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- appellate procedure
- subject matter jurisdiction

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the present habeas petition was a second or successive petition under 28 U.S.C. § 2244(b).
2. Whether the district court had jurisdiction to entertain the petition absent prior authorization from the Ninth Circuit Court of Appeals.

HOLDINGS

1. A habeas petition challenging the same state conviction and sentence previously challenged in an earlier federal habeas petition is a second or successive petition under 28 U.S.C. § 2244(b), even if the new petition is not repetitive in its claims.
2. A district court lacks jurisdiction to entertain a second or successive habeas petition under § 2254 when the petitioner has not first obtained authorization from the court of appeals.

KEY QUOTATIONS

“the District Court was without jurisdiction to entertain [the petition]” (slip op. at 1)

“the district court lacks jurisdiction to consider the petition and should dismiss it.” (slip op. at 1)

FACTUAL BACKGROUND

The petition challenged Berry's conviction and sentence in Los Angeles Superior Court case number BA 397700-01. Berry had previously challenged the same conviction and sentence in a federal habeas petition that was dismissed with prejudice in 2018. The record did not reflect that Berry had obtained Ninth Circuit authorization to file the present petition.

PROCEDURAL HISTORY

Berry filed the present petition on August 25, 2025, challenging his conviction and sentence in Los Angeles Superior Court case number BA 397700-01. He had previously filed a habeas petition concerning the same conviction and sentence, which the district court denied and dismissed with prejudice on February 1, 2018. The court also noted that it had previously rebuffed another attempt to file a second or successive petition in *Berry v. Johnson*, No. CV 20-6863-GW(E).

DISPOSITION

dismissed

CASES CITED

- *Berry v. Davey*, No. CV 17-3680-GW(E)
- *Thompson v. Calderon*, 151 F.3d 918, 920-21 (9th Cir.), cert. denied, 524 U.S. 965 (1998)

- Calbert v. Marshall, 2008 WL 649798, at *2-4 (C.D. Cal. Mar. 6, 2008)
- Burton v. Stewart, 549 U.S. at 157
- Barapind v. Reno, 225 F.3d 1100, 1111 (9th Cir. 2000)
- Remsen v. Att'y Gen. of Calif., 471 Fed. App'x 571, 571 (9th Cir. 2012)
- Mir v. Little Company of Mary Hosp., 844 F.2d 646, 649 (9th Cir. 1988)
- Berry v. Johnson, No. CV 20-6863-GW(E)

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