

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bradley v. Price

Bradley v. Price · No. 1:23-cv-0573-KES-CDB (HC) · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Steven Bradley’s 28 U.S.C. § 2254 habeas petition without prejudice. The dismissal was based on failure to prosecute and failure to obey court orders, and the court declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 28, 2025
DOCKET	1:23-cv-0573-KES-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court adopted the magistrate judge's findings and recommendations and dismissed the petition without prejudice for failure to prosecute and failure to obey court orders.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1). For a certificate of appealability following a procedural dismissal, the court applied the Slack/Rosas standard requiring a showing that reasonable jurists could debate both the procedural ruling and whether the petition states a valid constitutional claim.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Steven Bradley v. Brandon Price

TOPICS

- federal habeas corpus
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the petition should be dismissed without prejudice because petitioner failed to prosecute the action and failed to obey the court's order requiring an amended petition.
2. Whether a certificate of appealability should issue after the petition was dismissed on procedural grounds.

HOLDINGS

1. The petition was properly dismissed without prejudice because petitioner failed to comply with the screening order requiring an amended petition and failed to prosecute the action.
2. A certificate of appealability should not issue because petitioner made no showing that reasonable jurists would find the court's procedural ruling debatable.

KEY QUOTATIONS

"Where, as here, the petition is dismissed on procedural grounds, a certificate of appealability "should issue only if the prisoner can show: (1) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling'; and (2) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional rights.'"" (at 2)

"The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT PREJUDICE for failure to prosecute and to obey court orders." (at 2)

FACTUAL BACKGROUND

Steven Bradley, a state prisoner proceeding pro se and in forma pauperis, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Following preliminary screening, the magistrate judge ordered Bradley to file an amended petition to cure identified deficiencies. Bradley failed to file the amended petition or any other filing by the deadline and did not object to the recommendation that the action be dismissed.

PROCEDURAL HISTORY

Bradley filed a state-prisoner petition for a writ of habeas corpus under 28 U.S.C. § 2254. After preliminary screening, the magistrate judge ordered him to file an amended petition addressing identified deficiencies. Bradley failed to comply or make any other filing, and the magistrate judge recommended dismissal without prejudice. Bradley did not object, and the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition, closed the case, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Rosas v. Nielsen, 428 F.3d 1229, 1233 (9th Cir. 2005)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Murray v. Schriro, 745 F.3d 984, 1002 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 STEVEN BRADLEY, Case No. 1:23-cv-0573-KES-CDB (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING 13 v.
PETITION FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE FOR 14 BRANDON
PRICE, PETITIONER’S FAILURE TO PROSECUTE AND FAILURE TO OBEY COURT
ORDERS 15 Respondent.

Doc. 6 16 17 Steven Bradley is a state prisoner proceeding pro se and in forma pauperis with a
petition 18 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The matter was
referred to a 19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
Rule 302. 20 On June 27, 2025, following a preliminary screening of the petition, the assigned 21
magistrate judge ordered petitioner to file an amended petition to remedy certain identified 22
deficiencies.

Doc. 4. When petitioner failed to timely comply with the Court’s screening order or 23 make any
other filing by the deadline, the assigned magistrate judge issued findings and 24
recommendations, recommending dismissal without prejudice for petitioner’s failure to obey a 25
court order and failure to prosecute this action. Doc. 6. Those findings and recommendations 26
were served upon petitioner and contained notice that any objections were to be filed within 27
fourteen (14) days after service.

Petitioner did not file objections and the time to do so has 1 | passed. 2 In accordance with the
provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 3 | novo review of the case.
Having carefully reviewed the file, the Court concludes that the findings 4 | and recommendations
are supported by the record and proper analysis. 5 The Court next turns to whether a certificate of
appealability should issue.

Generally, a 6 || certificate of appealability may be issued under 28 U.S.C. § 2253 “only if the
applicant has made 7 | substantial showing of the denial of a constitutional right.” 28 U.S.C. §
2253(c)(2). Where, as 8 | here, the petition is dismissed on procedural grounds, a certificate of
appealability “should issue 9 | only if the prisoner can show: (1) ‘that jurists of reason would find
it debatable whether the 10 | district court was correct in its procedural ruling’; and (2) ‘that jurists
of reason would find it 11 | debatable whether the petition states a valid claim of the denial of a
constitutional rights.’” Rosas 12 | v. Nielsen, 428 F.3d 1229, 1233 (9th Cir.

2005) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 13 | (2000)). A certificate of appealability is appropriate only where both inquires are satisfied. 14 | *Murray v. Schriro*, 745 F.3d 984, 1002 (9th Cir. 2014). Here, petitioner has not made any 15 || showing that jurists of reason would find it debatable that the Court is correct in its procedural 16 | ruling.

Accordingly, the Court declines to issue a certificate of appealability. 17 Based upon the foregoing, the Court ORDERS: 18 1. The findings and recommendations issued on August 6, 2025, Doc. 6, are 19 ADOPTED in full. 20 2.

The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT 21 PREJUDICE for failure to prosecute and to obey court orders. 22 3. The Clerk of the Court is directed to close the case. 23 4. The Court declines to issue a certificate of appealability. 24 25 26 | IT IS SO ORDERED. _ 27 Dated: _ August 28, 2025 4h 38 UNITED STATES DISTRICT JUDGE