

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Mendoza v. United States

Mendoza · No. 3:25-cv-1076-JES; 3:23-cr-1968-JES · Decided June 2, 2025

SUMMARY

The United States District Court for the Southern District of California denied Jose Mendoza’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The court rejected his apparent ineffective-assistance claims, concluding that the record showed counsel had addressed the criminal-history issue and that Mendoza had been advised of the immigration consequences of his guilty plea; the court also denied a certificate of appealability.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | James E. Simmons Jr.                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                   |
| DECIDED               | June 2, 2025                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 3:25-cv-1076-JES; 3:23-cr-1968-JES                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Petitioner moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, alleging ineffective assistance of counsel. The district court denied the motion and denied a certificate of appealability.                                                                                                                                     |
| STANDARD OF REVIEW    | A § 2255 motion may be denied without an evidentiary hearing when the petitioner fails to state a claim or offers only conclusory allegations unsupported by facts and refuted by the record. Ineffective-assistance claims are evaluated under the deferential two-part Strickland standard, requiring deficient performance and resulting prejudice. |
| PRECEDENTIAL VALUE    | unpublished district court order; nonprecedential                                                                                                                                                                                                                                                                                                      |
| PARTIES               | Jose Mendoza v. United States of America                                                                                                                                                                                                                                                                                                               |

TOPICS

- federal habeas corpus
- post-conviction relief
- ineffective assistance
- sixth amendment
- plea bargaining

## PRACTICE AREAS

federal post-conviction relief

criminal procedure

ineffective assistance of counsel

plea-related immigration consequences

## QUESTIONS PRESENTED

1. Whether Mendoza received ineffective assistance of counsel in connection with the calculation of his criminal-history category at sentencing.
2. Whether counsel was ineffective for failing to address the dismissal of an attempted-reentry charge and for allegedly misadvising Mendoza about the immigration consequences of his guilty plea.
3. Whether Mendoza was entitled to a certificate of appealability.

## HOLDINGS

1. Mendoza failed to establish deficient performance because counsel objected to the presentence report, argued that Mendoza belonged in criminal-history category four rather than five, and obtained the requested correction.
2. Mendoza failed to show deficient performance because the Government dismissed the attempted-reentry charge for insufficient evidence, making a defense motion to dismiss unnecessary.
3. Mendoza failed to establish either deficient performance or prejudice because the plea agreement advised him of potential immigration consequences and, during the plea colloquy, he confirmed under oath that he understood those consequences.
4. A certificate of appealability was denied because Mendoza did not make a substantial showing of the denial of a constitutional right and no reasonable jurist would debate the court's resolution of his ineffective-assistance claims.

## KEY QUOTATIONS

*“If it is clear a petitioner has failed to state a claim, or has “no more than conclusory allegations, unsupported by facts and refuted by the record,” a district court may deny a § 2255 motion without an evidentiary hearing.” (at 2)*

*“To prevail on a claim of ineffective assistance of counsel, a petitioner must show that (1) counsel’s representation was deficient such that it “fell below an objective standard of reasonableness,” and (2) counsel’s deficient performance prejudiced the petitioner such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.”” (at 3)*

*“At the change of plea hearing, Petitioner, while under oath acknowledged the immigration consequences for a second time.” (at 5)*

## FACTUAL BACKGROUND

A fifteen-count indictment charged Mendoza with offenses involving methamphetamine, fentanyl, ammunition, and money laundering. He pleaded guilty to four counts and later challenged the presentence report's calculation

of his criminal-history category. Counsel objected before and at sentencing, the court sustained the objection, and Mendoza was sentenced to 170 months in prison and five years of supervised release. In his § 2255 motion, Mendoza asserted that counsel failed to protect him from sentencing and immigration-related consequences, but the plea agreement and plea colloquy reflected that he had been advised of and understood those consequences.

## PROCEDURAL HISTORY

A federal indictment charged Mendoza with drug-distribution conspiracies, possession with intent to distribute controlled substances, being a felon in possession of ammunition, and money-laundering conspiracy. Mendoza pleaded guilty to four counts and was sentenced to 170 months' imprisonment after the court sustained counsel's objection to the presentence report's criminal-history calculation. Mendoza then filed this § 2255 motion, which the court denied based on the record and denied a certificate of appealability.

## DISPOSITION

dismissed

## CASES CITED

- United States v. Timmreck, 441 U.S. 780, 783 (1979)
- Bowen v. Johnston, 306 U.S. 19, 27 (1939)
- United States v. Quan, 789 F.2d 711, 715 (9th Cir. 1986)
- Lafler v. Cooper, 566 U.S. 156, 162-63 (2012)
- Hill v. Lockhart, 474 U.S. 52, 58-59 (1985)
- Strickland v. Washington, 466 U.S. 668, 687-89, 694 (1984)
- Kimmelman v. Morrison, 477 U.S. 365, 381 (1986)
- Welch v. United States, 578 U.S. 120, 127 (2016)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)