

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Spillers v. Covello

Spillers · No. 2:24-cv-1865 WBS CKD P · Decided October 15, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting the respondent’s motion to dismiss a state prisoner’s second amended habeas corpus petition under 28 U.S.C. § 2254. The court concludes that the petitioner identified no violation of federal law and, alternatively, that California’s sentence-credit provisions did not entitle him to the additional credits claimed.

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            | October 15, 2025                                                                                                                                                                                                                                         |
| DOCKET             | 2:24-cv-1865 WBS CKD P                                                                                                                                                                                                                                   |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE | Petitioner filed a second amended petition for a writ of habeas corpus under 28 U.S.C. § 2254, and respondent moved to dismiss. The magistrate judge issued findings and recommendations recommending dismissal of the petition and closure of the case. |
| STANDARD OF REVIEW | Under 28 U.S.C. § 2254(a), federal habeas relief is available only for violations of the Constitution or laws of the United States; alleged errors in interpreting or applying state law do not support federal habeas relief.                           |
| PRECEDENTIAL VALUE | nonprecedential                                                                                                                                                                                                                                          |
| PARTIES            | Joseph D. Spillers v. Patrick Covello                                                                                                                                                                                                                    |

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- due process
- sentence modification

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the second amended § 2254 petition stated a cognizable federal habeas claim when it challenged the application of California sentence-credit law without identifying a violation of the Constitution or federal law.
2. Whether petitioner was entitled to additional sentence credit under Title 15 California Code of Regulations § 3043.2(b)(4) or (5) based on his minimum-security status despite his violent-felony conviction.

## HOLDINGS

1. A federal habeas petition must be dismissed when it alleges only an error in the interpretation or application of state law and does not identify a violation of the Constitution or laws of the United States.
2. Petitioner was not entitled to the additional sentence credit provided by Title 15 California Code of Regulations § 3043.2(b)(4) or (5) because he was convicted of a violent felony and did not allege that he completed firefighter training or was housed at a fire camp in a qualifying non-firefighter role.

## KEY QUOTATIONS

*“An application for a writ of habeas corpus by a person in custody under a judgment of a state court can be granted only for violations of the Constitution or laws of the United States.”* (at 1)

*“A federal writ of habeas corpus is not available for alleged error in the interpretation or application of state law.”* (at 1)

## FACTUAL BACKGROUND

Petitioner is a California state prisoner serving a determinate or indeterminate sentence for carjacking, identified as a violent felony. He claimed that he was entitled to more sentence credit because he was a minimum-security prisoner. The court noted that California regulations generally provided him one day of credit for every two days in custody and that the enhanced-credit provisions he invoked did not apply to violent-felony inmates absent firefighter training or placement at a fire camp, neither of which he alleged.

## PROCEDURAL HISTORY

Spillers, a state prisoner proceeding pro se, filed a second amended § 2254 petition challenging the amount of good-conduct sentence credit applied to his sentence. Respondent moved to dismiss, arguing that the petition failed to identify a violation of federal law. The court recommended granting the motion, dismissing the petition, and closing the case, subject to objections and review by the assigned district judge.

## DISPOSITION

dismissed

## CASES CITED

- Wilson v. Corcoran, 562 U.S. 1, 5 (2010)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Park v. California, 202 F.2d 1146, 1149 (9th Cir. 2000)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

## OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 JOSEPH D. SPILLERS, No. 2:24-cv-1865 WBS CKD P 12 Petitioner, 13 v.  
FINDINGS AND RECOMMENDATIONS 14 PATRICK COVELLO, 15 Respondent. 16 17  
Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas 18 corpus  
pursuant to 28 U.S.C. § 2254.

The operative petition is the second amended petition filed 19 October 2, 2024. In the second  
amended petition, petitioner claims he is entitled to more good 20 conduct sentence credit that has  
been applied to his sentence. Respondent asserts the second 21 amended petition should be  
dismissed. 22 An application for a writ of habeas corpus by a person in custody under a judgment  
of a 23 state court can be granted only for violations of the Constitution or laws of the United  
States.

28 24 U.S.C. § 2254(a). A federal writ of habeas corpus is not available for alleged error in the 25  
interpretation or application of state law. See Wilson v. Corcoran, 562 U.S. 1, 5 (2010); Estelle v.  
26 McGuire, 502 U.S. 62, 67-68 (1991); Park v. California, 202 F.2d 1146, 1149 (9th Cir. 2000).  
27 Respondent is correct that petitioner fails to identify a violation of federal law in his second 28  
amended petition, and that is an appropriate basis for dismissal.

1 Even if the court assumes petitioner has a liberty interest protected by the Due Process 2 Clause  
of the Fourteenth Amendment as to the accrual of sentence credit as mandated under 3 California  
law, petitioner fares no better. Petitioner has been informed that he earns 1 day of 4 credit for  
every 2 days he spends in custody pursuant to Title 15 California Code of Regulations § 5  
3043.2(b).

ECF No. 9 at 15. This section applies to petitioner because he was convicted of a 6 “violent  
felony” (carjacking) and is serving determinate or indeterminate sentence. Petitioner 7 claims he is  
entitled to more credit under 3043.2(b)(4) or (5) because he is a minimum security 8 prisoner.

However, those sections do not apply to inmates such as petitioner who were convicted 9 of  
violent felonies unless they complete firefighter training or are housed at a fire camp in a role 10  
other than firefighter. Petitioner alleges neither. 11 For all of the foregoing reasons, the court will  
recommend that respondent’s motion to 12 dismiss be granted, petitioner’s second amended  
petition for a writ of habeas corpus be dismissed, 13 and this case be closed.

14 Accordingly, IT IS HEREBY RECOMMENDED that: 15 1. Respondent's motion to dismiss (ECF No. 16) be GRANTED; 16 2. Petitioner's second amended petition for a writ of habeas corpus (ECF No. 9) be 17 DISMISSED; and 18 3. This case be closed. 19 These findings and recommendations are submitted to the United States District Judge 20 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 21 after being served with these findings and recommendations, any party may file written 22 objections with the court and serve a copy on all parties. Such a document should be captioned 23 "Objections to Magistrate Judge's Findings and Recommendations." In his objections petitioner 24 may address whether a certificate of appealability should issue in the event he files an appeal of 25 the judgment in this case.

See Rule 11, Federal Rules Governing Section 2254 Cases (the district 26 court must issue or deny a certificate of appealability when it enters a final order adverse to the 27 applicant). A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant 28 has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(3).

1 | Any response to the objections shall be served and filed within fourteen days after service of the 2 || objections. The parties are advised that failure to file objections within the specified time may 3 || waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 4} 1991). 5 | Dated: 10/15/25 Card ht fa he 7 UNITED STATES MAGISTRATE JUDGE 8 9 10 11 ji spil1865.mtd 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28