

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

Edward V. Ray, Jr. v. Martin Gamboa

No. 25-cv-09357-VC, United States District Court for the Northern District of California (January 5, 2026)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA EDWARD V. RAY, JR., Case No. 25-cv-09357-VC Plaintiff, ORDER OF DISMISSAL OF SECOND v. OR SUCCESSIVE PETITION; DENYING CERTIFICATE OF MARTIN GAMBOA, APPEALABILITY Defendant. Edward Ray, Jr., a state prisoner at Avenal State Prison, filed a petition for a writ of habeas corpus on October 30, 2025, under 28 U.S.C. § 2254, challenging a 2007 state conviction from the Alameda County Superior Court.

Ray has filed previous petitions for writ of habeas corpus challenging his 2007 conviction. Additionally, Ray filed an application for leave to file a second or successive section 2254 petition in the United States Court of Appeals for the Ninth Circuit on June 6, 2025, attaching the identical or substantially similar petition that he then filed in this court almost five months later.

His Ninth Circuit petition was docketed as Case No. 25- 3974. On September 19, 2025, the Ninth Circuit entered an order finding that Ray’s application to file a second or successive petition raised issues that warranted further briefing, and appointed counsel. Ray’s counsel Yevgeniy Mikhail Parkman filed a notice of appearance on October 1, 2025. Ray must first obtain from the Ninth Circuit an order authorizing this court to consider the petition before he can proceed in this court.

See 28 U.S.C. § 2244(b)(3)(A); *Chades v. Hill*, 976 F.3d 1055, 1056-57 (9th Cir. 2020) (district court is without power to entertain successive petition unless petitioner first receives authorization from court of appeal).

Because his request for such an order from the Ninth Circuit is currently pending, the petition is dismissed in this court without prejudice to refiling if Ray obtains the order from the Ninth Circuit. The motion for leave to proceed in forma pauperis is granted. A certificate of appealability will not issue. See 28 U.S.C. § 2253(c). This is not a case in which “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The clerk shall close the file and enter judgment in accordance with this order. The clerk shall send a courtesy copy of this order to Ray’s counsel in the Ninth Circuit matter at jenya_parkman@fd.org. IT IS SO ORDERED. Dated: January 5, 2026 = VINCE CHHABRIA United States District Judge

