

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Colin Raker Dickey v. Warden of Pelican Bay State Prison

Dickey v. Warden of Pelican Bay State Prison, No. 1:25-cv-01322-JLT-SKO (HC) (E.D. Cal. Jan. 14, 2026) ·
No. 1:25-cv-01322-JLT-SKO (HC) · Decided January 15, 2026

SUMMARY

This document is a magistrate judge's findings and recommendation in a federal habeas corpus proceeding under 28 U.S.C. § 2254. The court recommends denying Colin Raker Dickey's petition challenging his resentencing for two murder convictions and denying his related motion for summary judgment, concluding that the state court's decision was not contrary to or an unreasonable application of clearly established federal law.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 15, 2026
DOCKET	1:25-cv-01322-JLT-SKO (HC)
DISPOSITION	other
PROCEDURAL POSTURE	State prisoner petition for writ of habeas corpus under 28 U.S.C. § 2254, accompanied by a motion for summary judgment; magistrate judge issued findings and recommendation to deny both with prejudice, subject to objections within twenty-one days.
STANDARD OF REVIEW	Under AEDPA, relief is unavailable unless the state court's adjudication was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts under 28 U.S.C. § 2254(d). State factual findings receive a presumption of correctness under § 2254(e)(1). Federal habeas relief also requires that any constitutional error have a substantial and injurious effect or influence on the verdict. Claims based solely on state-law sentencing errors are not cognizable absent fundamental unfairness or an arbitrary or capricious violation of due process.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Colin Raker Dickey v. Warden of Pelican Bay State Prison

TOPICS

federal habeas corpus post-conviction relief sentence modification sentencing criminal procedure

PRACTICE AREAS

federal habeas corpus state post-conviction relief criminal procedure sentencing

QUESTIONS PRESENTED

1. Whether Dickey's challenge to the validity of his murder sentences presented a cognizable federal habeas claim or merely an issue of California sentencing law.
2. Whether the federal courts' prior grant of habeas relief concerning the special-circumstance findings and death penalty invalidated or disturbed Dickey's underlying murder convictions.
3. Whether the absence of a new jury determination of intent to kill required federal habeas relief under the Fifth, Sixth, Eighth, or Fourteenth Amendments.
4. Whether Dickey's motion for summary judgment was an appropriate procedural vehicle in this § 2254 proceeding.

HOLDINGS

1. Dickey's claim that the California courts misapplied California Penal Code § 1172.6 and California sentencing law was not cognizable on federal habeas review because it alleged no violation of federal law.
2. The prior federal habeas proceedings did not invalidate or disturb Dickey's two murder convictions; they granted relief only as to the special-circumstance findings and the death penalty.
3. The cited federal jury-verdict authorities did not require the state court to revisit Dickey's final murder convictions after a subsequent change in California law.
4. Dickey's motion for summary judgment should be denied because summary judgment is generally inappropriate in a federal habeas proceeding, where the court adjudicates the petition on the merits under AEDPA rather than conducting an ordinary civil trial.

KEY QUOTATIONS

“The convictions were not overturned. Gaudin does not stand for the proposition that Petitioner’s conviction must be revisited and re-determined because of a subsequent change in state law.” (Opinion text, Discussion § III.D)

“Based on the foregoing, the Court RECOMMENDS that the petition for writ of habeas corpus, (Doc. 1), be DENIED with prejudice on the merits, and the motion for summary judgment (Doc. 14) be DENIED.” (Opinion text, Recommendation)

FACTUAL BACKGROUND

Dickey was convicted of two first-degree murders, two first-degree robberies, and first-degree burglary after he and an accomplice robbed and burglarized a residence where two elderly residents were killed. He was originally sentenced to death. After federal habeas proceedings granted relief as to the special-circumstance findings and death penalty, the state court resentenced him to consecutive terms of 25 years to life for the two murder convictions, with sentences on the remaining counts imposed and stayed. Dickey argued that the murder convictions and sentences were invalid because the record lacked a jury finding of intent to kill under current California law.

PROCEDURAL HISTORY

Dickey was convicted and sentenced to death in Fresno County Superior Court in 1991. His conviction and sentence were affirmed on direct review, and prior state and federal collateral proceedings resulted in relief concerning the special-circumstance findings and death penalty but did not disturb the murder convictions. After state resentencing to consecutive terms of 25 years to life, Dickey filed this § 2254 petition arguing that the murder sentences were invalid because the record lacked a jury finding of intent to kill and because of changes to California murder law. The court recommended denying the petition with prejudice and denying Dickey's motion for summary judgment.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge recommended denial with prejudice and advised that objections could be filed within twenty-one days; the recommendation itself was not an immediately appealable order.

CASES CITED

- People v. Dickey, 35 Cal. 4th 884, 894–904, 28 Cal. Rptr. 3d 647, 111 P.3d 921 (2005)
- Dickey v. Davis, 69 F.4th 624, 628–629, 635, 648 (9th Cir. 2023)
- People v. Curiel, 15 Cal. 5th 433, 448–450, 315 Cal. Rptr. 3d 495, 538 P.3d 993 (2023)
- People v. Strong, 13 Cal. 5th 698, 708, 296 Cal. Rptr. 3d 686, 514 P.3d 265 (2022)
- People v. Wilson, 14 Cal. 5th 839, 869–872, 309 Cal. Rptr. 3d 211, 530 P.3d 323 (2023)
- People v. Aledamat, 8 Cal. 5th 1, 13, 251 Cal. Rptr. 3d 371, 447 P.3d 277 (2019)
- People v. Padilla, 13 Cal. 5th 152, 158, 169–170, 293 Cal. Rptr. 3d 623, 509 P.3d 975 (2022)
- People v. Padilla, 50 Cal. App. 5th 244, 251–253, 263 Cal. Rptr. 3d 784 (2020), aff'd, 13 Cal. 5th 152 (2022)
- People v. Malmquist, 101 Cal. App. 5th 1186, 1205 n.6, 321 Cal. Rptr. 3d 31 (2024)
- United States v. Gaudin, 515 U.S. 506, 510 (1995)
- In re Winship, 397 U.S. 358, 364 (1970)
- Patterson v. New York, 432 U.S. 197, 210 (1977)

- Leland v. Oregon, 343 U.S. 790, 795 (1952)
- Sullivan v. Louisiana, 508 U.S. 275, 277–278 (1993)
- Cool v. United States, 409 U.S. 100, 104 (1972)
- Swarthout v. Cooke, 562 U.S. 216, 219, 131 S. Ct. 859, 178 L. Ed. 2d 732 (2011)
- Estelle v. McGuire, 502 U.S. 62, 67–68, 112 S. Ct. 475, 116 L. Ed. 2d 385 (1991)
- Richmond v. Lewis, 506 U.S. 40, 50, 113 S. Ct. 528, 121 L. Ed. 2d 411 (1992)
- Miller v. Vasquez, 868 F.2d 1116, 1118–1119 (9th Cir. 1989)
- Christian v. Rhode, 41 F.3d 461, 469 (9th Cir. 1994)
- Dickey v. Davis, 69 F.4th 624 (9th Cir. 2023)

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