

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Serpa v. Unknown

No. 2:25-cv-0788-JDP (P) (E.D. Cal. May 30, 2025) · No. 2:25-cv-0788-JDP (P) · Decided May 30, 2025

SUMMARY

The court granted petitioner leave to amend his habeas petition because the allegations concerning an alleged sexual assault by a correctional officer appeared to challenge prison conditions rather than the validity of his conviction. The court directed petitioner to submit either an amended habeas petition or a completed 42 U.S.C. § 1983 complaint within 30 days and reserved ruling on his motion to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 30, 2025
DOCKET	2:25-cv-0788-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a petition under 28 U.S.C. § 2254 and moved to proceed in forma pauperis. On preliminary review under Rule 4, the court determined that the allegations appeared to concern a constitutional injury rather than the validity of the petitioner's conviction and granted leave to amend.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must examine a habeas petition and order a response unless it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- federal habeas corpus
- section 1983
- pleadings
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the allegations in the § 2254 petition appeared to challenge the validity of the petitioner's conviction or instead asserted a civil-rights claim cognizable under 42 U.S.C. § 1983.
2. Whether the petitioner should be given leave to amend and identify the type of action he intended to pursue.

HOLDINGS

1. The court granted the petitioner leave to amend and required him to choose between filing an amended habeas petition that explains why his conviction is invalid and filing a § 1983 complaint identifying the constitutional rights allegedly violated.
2. At preliminary review, the court must examine the habeas petition and order a response unless it plainly appears that the petitioner is not entitled to relief.

KEY QUOTATIONS

“Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief.” (at 1)

FACTUAL BACKGROUND

Serpa is a state prisoner proceeding pro se. He filed this action on a habeas form under 28 U.S.C. § 2254, but his allegations concerned sexual assault allegedly committed by an unknown correctional officer at Corcoran State Prison. The court could not determine whether Serpa intended to challenge the validity of his conviction or pursue a civil-rights claim based on the alleged assault.

PROCEDURAL HISTORY

Jesse A. Serpa filed a habeas petition alleging that an unknown correctional officer sexually assaulted him at Corcoran State Prison. The court conducted preliminary review under Rule 4 of the Rules Governing Section 2254 Cases, ordered the Clerk to provide habeas and § 1983 forms, and gave Serpa thirty days to submit an amended habeas petition or a § 1983 complaint. The court reserved ruling on the motion to proceed in forma pauperis.

DISPOSITION

other

CASES CITED

- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998)

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