

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brittany H. Constable v. Jeff McCombre

Constable v. McCombre · No. 2:25-cv-2848-JDP (P) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Brittany H. Constable’s 28 U.S.C. § 2254 habeas petition with leave to amend. The court concluded that the allegations concerning stolen information and name misuse were not cognizable in habeas and that the alleged overdetention and Miranda claims were insufficiently clear, including as to exhaustion.

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	December 1, 2025
DOCKET	2:25-cv-2848-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2254 habeas petition. The district court conducted preliminary review under Rule 4 of the Rules Governing Section 2254 Cases and dismissed the petition with leave to amend.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court must examine the habeas petition and order a response unless it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brittany H. Constable v. Jeff McCombre

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- criminal procedure

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Criminal procedure

QUESTIONS PRESENTED

1. Whether the petition stated a cognizable federal habeas claim.
2. Whether the allegations concerning overdetention and an alleged Miranda violation were sufficiently clear and adequately pleaded for preliminary review.
3. Whether the petition demonstrated or adequately addressed exhaustion of state-court remedies.

HOLDINGS

1. An allegation that prison staff failed to maintain effective computer security, resulting in possible theft of a prisoner's information or name, does not challenge the validity of a conviction and is not cognizable in a federal habeas action.
2. The petition could not proceed on preliminary review because the allegations concerning overdetention and an alleged Miranda violation were unclear and did not adequately indicate whether available state-court remedies had been exhausted; petitioner was granted leave to amend.

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

Petitioner alleged that prison staff's failure to maintain effective computer security may have resulted in the theft of her information and name. She also alleged that she had been overdetained and that her Miranda rights were not properly read, but the petition did not clearly explain the factual or legal basis of those claims or whether they had been exhausted in state court.

PROCEDURAL HISTORY

Petitioner, a state prisoner, initiated this federal habeas action. On preliminary screening, the court determined that the petition did not state a cognizable federal habeas claim and that the allegations concerning overdetention and Miranda violations were insufficiently clear, including as to exhaustion. The court dismissed the petition without prejudice and allowed thirty days to file an amended petition or a notice of voluntary dismissal.

DISPOSITION

dismissed

CASES CITED

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