

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Floyd Scott v. L. Lundy

Scott · No. CV 25-10024 JVS (RAO) · Decided January 23, 2026

SUMMARY

The United States District Court for the Central District of California summarily dismissed Floyd Scott’s successive 28 U.S.C. § 2254 habeas petition for lack of jurisdiction because he had not obtained authorization from the Ninth Circuit. The court dismissed the petition without prejudice and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	James V. Selna
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 23, 2026
DOCKET	CV 25-10024 JVS (RAO)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 2008 state conviction. The district court summarily dismissed the petition for lack of jurisdiction and denied a certificate of appealability.
STANDARD OF REVIEW	The court applied the statutory authorization requirement for second or successive habeas petitions under 28 U.S.C. § 2244(b)(3)(A). For the certificate of appealability, the court applied the substantial-showing and procedural-dismissal standards under 28 U.S.C. § 2253(c) and Slack v. McDaniel.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established in the provided text.
PARTIES	Floyd Scott v. L. Lundy

TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

appellate procedure

post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether the petition was a second or successive habeas petition requiring prior authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3)(A).
2. Whether the district court had jurisdiction to consider the successive petition without Ninth Circuit authorization.
3. Whether Petitioner was entitled to a certificate of appealability after the procedural dismissal.

HOLDINGS

1. The present § 2254 petition was a second or successive habeas petition because it challenged the same 2008 conviction previously challenged in federal habeas proceedings.
2. The district court lacked jurisdiction to consider the successive petition because Scott had not obtained authorization from the Ninth Circuit.
3. A certificate of appealability was denied because reasonable jurists would not debate the correctness of the procedural dismissal.

KEY QUOTATIONS

“The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) established a stringent set of procedures that a prisoner “in custody pursuant to the judgment of a State court,” 28 U.S.C. § 2254(a), must follow if he wishes to file a “second or successive” habeas corpus application challenging that custody, § 2244(b)(1).” (at 2-3)

“For these reasons, the Court finds that it lacks jurisdiction to consider the Petition. Therefore, the reference to the Magistrate Judge is vacated and the Petition is dismissed for lack of jurisdiction.” (at 3)

FACTUAL BACKGROUND

Petitioner Floyd Scott challenged his 2008 conviction in Los Angeles County Superior Court through a petition under 28 U.S.C. § 2254. He had previously filed a federal habeas action concerning the same conviction and sentence, which was denied on the merits and dismissed with prejudice in 2014. He also filed several later habeas petitions challenging the same conviction, all of which were dismissed as second or successive. Neither the pending petition nor Ninth Circuit records showed that the Ninth Circuit had authorized the present successive petition.

PROCEDURAL HISTORY

Scott was convicted in Los Angeles County Superior Court in 2008 and previously filed a federal habeas petition challenging that conviction. The prior petition was denied on the merits in 2014, and Scott later filed several additional petitions challenging the same conviction, which were dismissed as successive. Because the present petition was successive and the Ninth Circuit had not authorized its filing, the district court dismissed it without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Scott v. Harrington, No. CV 11-5738-GAF (AJW) (C.D. Cal. July 4, 2011)
- Scott v. Lamarque, No. CV 03-2003 GAF (AJW) (C.D. Cal.)
- Scott v. Superior Court, No. CV 23-4449 JVS (RAO) (C.D. Cal. June 5, 2023)
- Scott v. Johnson, No. CV 21-8309 JVS (KK) (C.D. Cal. Oct. 18, 2021)
- Scott v. Asuncion, No. CV 17-8239 JVS (AJW) (C.D. Cal. Nov. 13, 2017)
- Gonzalez v. Crosby, 545 U.S. 524, 529-30 (2005)
- Felker v. Turpin, 518 U.S. 651, 656-57, 664 (1996)
- Burton v. Stewart, 549 U.S. 147, 152-53 (2007)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)
- Slack v. McDaniel, 529 U.S. 473, 478 (2000)

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