

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Narciso Ramirez v. P. Horn

Ramirez · No. CV 24-04529-WDK (DFM) · Decided June 30, 2025

SUMMARY

The United States District Court for the Central District of California summarily dismissed Narciso Ramirez’s 28 U.S.C. § 2254 petition without prejudice for lack of jurisdiction because it was an unauthorized second or successive habeas petition. The court also denied a certificate of appealability and directed Ramirez to seek authorization from the Ninth Circuit before filing another application.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	William D. Keller
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 30, 2025
DOCKET	CV 24-04529-WDK (DFM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a second federal petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the same conviction and sentence previously challenged in an earlier federal habeas action. The district court screened the petition and summarily dismissed it without prejudice for lack of jurisdiction because Ramirez had not obtained authorization from the Ninth Circuit to file a second or successive petition.
STANDARD OF REVIEW	Under Rule 4 governing § 2254 cases, the district court must examine the petition and summarily dismiss it if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Narciso Ramirez v. P. Horn, Warden, Kern Valley State Prison

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QUESTIONS PRESENTED

1. Whether the present § 2254 petition is a second or successive petition challenging the same state conviction and therefore requires 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 petition absent authorization from the court of appeals.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. A petition challenging the same state conviction previously challenged in a federal habeas action is a second or successive petition, even when it presents new theories of relief or repeats a claim previously found unexhausted and voluntarily dismissed.
2. A district court lacks jurisdiction to consider a second or successive § 2254 petition unless the court of appeals has authorized its filing under 28 U.S.C. § 2244(b)(3)(A).
3. A certificate of appealability should not issue because the petitioner did not show that reasonable jurists could debate the dismissal or that the issues deserved encouragement to proceed further.

KEY QUOTATIONS

“A district court does not have jurisdiction to consider a second or successive petition absent authorization from the court of appeals.”

“Regardless of whether Petitioner can satisfy the requirements of 28 U.S.C. § 2244(b)(2), he must request and obtain authorization from the Ninth Circuit Court of Appeals before filing a second or successive petition.”

FACTUAL BACKGROUND

Ramirez is a California state prisoner serving a sentence arising from a 2016 conviction for attempted voluntary manslaughter with firearm-use and great-bodily-injury enhancements. He previously filed a federal habeas petition challenging that conviction and sentence, and judgment dismissing the prior petition with prejudice was entered in 2019. The present petition raises new and previously asserted theories, including ineffective assistance of counsel, racial discrimination, judicial and prosecutorial bias, evidence falsification or concealment, and due process violations.

PROCEDURAL HISTORY

Ramirez's prior federal habeas action was filed in 2018. After he voluntarily dismissed two unexhausted claims, the district court denied relief on the remaining due-process claim, and judgment dismissing that petition with prejudice was entered on December 19, 2019. Ramirez filed the present petition on May 29, 2024, again challenging the same 2016 conviction and sentence; the district court dismissed it without prejudice as unauthorized and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996)
- Mayle v. Felix, 545 U.S. 644, 656 (2005)
- Tyler v. Cain, 533 U.S. 656, 661 (2001)
- Burton v. Stewart, 549 U.S. 147, 152-53 (2007)
- Nevius v. McDaniel, 218 F.3d 940, 945 (9th Cir. 2000)
- Fleming v. Sandor, No. 11-0024, 2011 U.S. Dist. LEXIS 24165, at *6 (C.D. Cal. Jan. 7, 2011), report and recommendation adopted by 2011 U.S. Dist. LEXIS 24109 (C.D. Cal. Mar. 7, 2011)
- Gatlin v. Madding, 189 F.3d 882, 888 (9th Cir. 1999)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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