

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Vinh The Phang v. Roberto A. Arias

Phang · No. 25-cv-03161-KAW (PR) · Decided September 24, 2025

SUMMARY

The United States District Court for the Northern District of California issued an order to show cause in a state prisoner’s 28 U.S.C. § 2254 habeas petition. The order directs service, establishes deadlines for an answer or motion to dismiss and any traverse, addresses the petitioner’s responsibility to maintain a current address, and substitutes Roberto A. Arias as respondent under Federal Rule of Civil Procedure 25(d).

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Kandis A. Westmore
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 24, 2025
DOCKET	25-cv-03161-KAW (PR)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court issued an order to show cause, directing the respondent to answer or file a motion to dismiss on procedural grounds.
STANDARD OF REVIEW	At the preliminary screening stage under Rule 4 of the Rules Governing Section 2254 Cases, the court determines whether the petition is plainly meritless on its face.
PRECEDENTIAL VALUE	unpublished
PARTIES	Vinh The Phang v. Roberto A. Arias, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed at the preliminary screening stage as facially meritless.
2. What procedural steps and response deadlines should govern the respondent's answer or motion to dismiss.
3. Whether Roberto A. Arias should be substituted as respondent under Federal Rule of Civil Procedure 25(d).

HOLDINGS

1. Because the petition did not appear facially meritless, the court issued an order to show cause rather than dismissing the petition at screening.
2. Roberto A. Arias was substituted as respondent pursuant to Federal Rule of Civil Procedure 25(d).

KEY QUOTATIONS

“It does not appear from the face of the petition that it is without merit.” (at 1)

FACTUAL BACKGROUND

Vinh The Phang is a state prisoner who filed a federal petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition was accompanied by exhibits, and petitioner paid the full filing fee. The court found that the petition did not appear facially meritless and ordered the respondent to respond.

PROCEDURAL HISTORY

Petitioner filed a state habeas petition in federal district court and paid the filing fee. The court determined that the petition did not appear facially meritless and issued an order requiring service, a response, production of relevant state records, and a possible traverse. The court also directed substitution of Roberto A. Arias as respondent under Federal Rule of Civil Procedure 25(d).

DISPOSITION

other

CASES CITED

- *Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997)