

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Parsons v. Arias

Parsons · No. 25-cv-03861-DMR (PR) · Decided July 17, 2025

SUMMARY

The United States District Court for the Northern District of California issues an order to show cause in a state prisoner’s habeas corpus action under 28 U.S.C. § 2254. The order directs service, sets deadlines for Respondent’s answer or motion to dismiss and any traverse or opposition, and addresses magistrate judge consent and the petitioner’s ongoing procedural responsibilities.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 17, 2025
DOCKET	25-cv-03861-DMR (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 because the petition did not appear facially meritless.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

- Whether the petition should proceed beyond initial screening under the Rules Governing Section 2254 Cases.
- What procedural schedule and response should govern the respondent's response to the habeas petition.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Jason Thomas Parsons is a state prisoner who filed a petition for a writ of habeas corpus against Roberto A. Arias, identified as the warden. The court determined from the face of the petition that it did not appear to be without merit. No merits-based factual findings were made.

PROCEDURAL HISTORY

Petitioner filed a § 2254 habeas petition and paid the filing fee. The court directed the respondent to consent or decline magistrate-judge jurisdiction and to file either an answer or a procedural motion to dismiss, with corresponding response deadlines.

DISPOSITION

other

CASES CITED

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

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 NORTHERN DISTRICT OF CALIFORNIA 7
8 JASON THOMAS PARSONS, Case No. 25-cv-03861-DMR (PR) 9 Petitioner, ORDER TO
SHOW CAUSE v. 10 11 ROBERTO A. ARIAS, Warden, Respondent. 12 13 Petitioner, a state
prisoner, has filed this petition for a writ of habeas corpus pursuant to 14 28 U.S.C. § 2254.
Petitioner has paid the full filing fee.

Dkt. 1. This action has been assigned to 15 the undersigned Magistrate Judge. 16 Pursuant to 28
U.S.C. § 636(c), with written consent of all parties, a magistrate judge may 17 conduct all
proceedings in a case, including entry of judgment. Appeal will be directly to the 18 United States
Court of Appeals for the Ninth Circuit. See 28 U.S.C. § 636(c)(3). 19 It does not appear from the
face of the petition that it is without merit.

Good cause 20 appearing, the court hereby issues the following orders: 21 1. The Clerk of the
Court shall serve electronically a Magistrate Judge jurisdiction 22 consent form, a copy of this
order upon Respondent and Respondent’s attorney, the Attorney 23 General of the State of
California, at the following email addresses: 24 SFAWTParalegals@doj.ca.gov and
docketingsfawt@doj.ca.gov.

The petition and the exhibits 25 thereto are available via the Electronic Case Filing System for the
Northern District of California. 26 The Clerk shall serve by mail a copy of this order on Petitioner.

27 2. Within twenty-eight (28) days of the issuance of this Order, Respondent shall 1 consents or declines to proceed before the assigned Magistrate Judge. Respondent is free to 2 withhold consent without adverse consequences.

If Respondent consents to a Magistrate Judge's 3 jurisdiction, this case will be handled by the undersigned Magistrate Judge. If Respondent 4 declines, the case will be reassigned to a District Judge. Whether Respondent consents or declines 5 to proceed before the assigned Magistrate Judge, the parties shall abide by the briefing schedule 6 below. 7 3. Respondent shall file with this court and serve upon Petitioner, within sixty (60) 8 days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules 9 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued.

10 Respondent shall file with the Answer a copy of all portions of the relevant state records that have 11 been transcribed previously and that are relevant to a determination of the issues presented by the 12 petition. 13 4. If Petitioner wishes to respond to the Answer, Petitioner shall do so by filing a 14 Traverse with the court and serving it on Respondent within twenty-eight (28) days of 15 Petitioner's receipt of the Answer.

Should Petitioner fail to do so, the petition will be deemed 16 submitted and ready for decision twenty-eight (28) days after the date Petitioner is served with 17 Respondent's Answer. 18 5. Respondent may file with this court and serve upon Petitioner, within sixty (60) 19 days of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of an 20 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 21 2254 Cases.

If Respondent files a motion to dismiss, Petitioner shall file with the court and serve 22 on Respondent an opposition or statement of non-opposition to the motion within twenty-eight 23 (28) days of receipt of the motion, and Respondent shall file with the court and serve on Petitioner 24 a reply within fourteen (14) days of receipt of any opposition. 25 6.

It is Petitioner's responsibility to prosecute this case. Petitioner must keep the 26 court and Respondent informed of any change of address and must comply with the court's orders 27 in a timely fashion. Pursuant to Northern District Local Rule 3-11 a party proceeding pro se 1 address specifying the new address. See L.R. 3-11(a).

The court may dismiss a pro se action 2 without prejudice when: (1) mail directed to the pro se party by the court has been returned to the 3 court as not deliverable, and (2) the court fails to receive within sixty days of this return a written 4 communication from the pro se party indicating a current address. See L.R. 3-11(b); see also 5 *Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir.

1997) (Rule 41(b) applicable in habeas cases). 6 Petitioner must also serve on Respondent's counsel all communications with the court by mailing 7 a true copy of the document to

Respondent's counsel. 8 7. Upon a showing of good cause, requests for a reasonable extension of time will be 9 granted provided they are filed on or before the deadline they seek to extend.

10 IT IS SO ORDERED. 11 Dated: July 17, 2025 12 13 DONNA M. RYU 14 Chief Magistrate
Judge 15 16 17 18 19 20 21 22 23 24 25 26 27