

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward Don Brown v. B. Cates

No. 2:05-cv-1195 DAD CSK P (E.D. Cal. June 11, 2025) · No. No. 2:05-cv-1195 DAD CSK P · Decided June 11, 2025

SUMMARY

The United States District Court for the Eastern District of California placed and disregarded the petitioner’s letter concerning possible resentencing and continued incarceration in a closed habeas action. The court explained that any second or successive habeas petition requires authorization from the Ninth Circuit and directed the petitioner not to file further documents in the closed case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 11, 2025
DOCKET	No. 2:05-cv-1195 DAD CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner sought to submit a letter concerning resentencing and continued incarceration in a closed federal habeas action. The court treated the filing as procedurally improper and ordered that it be placed in the file and disregarded.
PRECEDENTIAL VALUE	unpublished
PARTIES	Edward Don Brown (Petitioner) v. B. Cates (Respondent)

TOPICS

- successive petitions
- federal habeas corpus
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether Brown could initiate or pursue a second or successive federal habeas petition in the Eastern District of California without prior authorization from the Ninth Circuit.
2. Whether Brown's June 5, 2025 letter should be treated as a permissible filing in the closed habeas action.

HOLDINGS

1. A second or successive federal habeas petition under 28 U.S.C. § 2254 may not be filed in the Eastern District of California unless the Ninth Circuit first authorizes the filing.
2. The letter was to be placed in the court file and disregarded, and Brown was directed not to file anything further in the closed case.

KEY QUOTATIONS

“Once petitioner complies with the Ninth Circuit’s order and if the Ninth Circuit grants him permission to file a second or successive petition, only then may petitioner file a new petition for writ of habeas corpus in the Eastern District of California.” (1)

“Accordingly, IT IS HEREBY ORDERED that petitioner’s letter (ECF No. 50) is placed in the Court file and disregarded.” (3)

FACTUAL BACKGROUND

Brown is a California state prisoner who asserted that his lengthy incarceration and California Proposition 57 and other laws entitled him to resentencing. The record indicated that he had received parole hearings since 2016 and had a tentative parole-suitability hearing scheduled for April 2027. His underlying federal habeas action had been closed for many years, and the Ninth Circuit had not authorized him to file a second or successive § 2254 petition.

PROCEDURAL HISTORY

Brown's federal habeas action under 28 U.S.C. § 2254 was closed and judgment was entered on March 31, 2009. In 2025, the court denied without prejudice a motion for a new state-court trial, subject to Brown first obtaining authorization from the Ninth Circuit to file a second or successive federal habeas petition. The Ninth Circuit denied Brown's authorization application without prejudice on May 28, 2025, identifying filing requirements under Ninth Circuit Rule 22-3. Brown then filed the letter addressed in this order.

DISPOSITION

other

CASES CITED

- Brown v. Cates, No. 25-712 (9th Cir. 2025)
- Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002)
- United States v. Basher, 629 F.3d 1161, 1165 (9th Cir. 2011)
- Foley v. Martz, 2018 WL 5111998, at *1 (S.D. Cal. Oct. 19, 2018)

