

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bruce Lamont Fuller v. Patwin Horn

Fuller v. Horn · No. 1:25-cv-001330-KES-EPG-HC · Decided December 1, 2025

SUMMARY

A United States magistrate judge recommends dismissal of Bruce Lamont Fuller’s 28 U.S.C. § 2254 petition challenging the fairness of California parole proceedings. The recommendation concludes that the claims are not cognizable in habeas corpus because success would not necessarily result in immediate or earlier release, and declines to convert the petition into a 42 U.S.C. § 1983 action. The document allows 30 days for objections and directs random assignment of a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 1, 2025
DOCKET	1:25-cv-001330-KES-EPG-HC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendation by a United States magistrate judge to dismiss a state prisoner's 28 U.S.C. § 2254 petition at preliminary review.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may dismiss a habeas petition at preliminary review when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- federal habeas corpus
- successive petitions
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- prisoners rights
- civil rights
- post-conviction relief

QUESTIONS PRESENTED

1. Whether Fuller's challenge to the fairness of his parole hearing was cognizable under federal habeas corpus because success would necessarily result in immediate or earlier release.
2. Whether the court should recharacterize the habeas petition as a civil rights action under 42 U.S.C. § 1983.

HOLDINGS

1. A state prisoner's challenge to the fairness of a parole hearing is not cognizable in federal habeas corpus when success would not necessarily lead to immediate or earlier release from confinement.
2. The court should not sua sponte convert the habeas petition into a § 1983 civil rights action where conversion could prejudice the pro se litigant and the petition does not name the proper civil-rights defendants.

KEY QUOTATIONS

“A claim falls within the “core of habeas corpus” when a prisoner challenges “the fact or duration of his confinement” and “seeks either immediate release from that confinement or the shortening of its duration.””
(Discussion § II.A)

“Accordingly, the undersigned HEREBY RECOMMENDS that the petition for writ of habeas corpus be DISMISSED for failure to state a cognizable federal habeas claim.” (Recommendation & Order)

FACTUAL BACKGROUND

Fuller, a California state prisoner, alleged that documents filed in the San Bernardino County Superior Court on February 16, 2022, did not reach the California Court of Appeals or the California Board of Parole Hearings. He claimed that the omission deprived him of a fair parole hearing. The court concluded that success on the claim would at most result in a new parole hearing, not necessarily earlier release.

PROCEDURAL HISTORY

Fuller sought authorization in the Ninth Circuit to file a second or successive § 2254 petition. The Ninth Circuit denied authorization but directed that a supplemental application challenging the fairness of his California parole proceedings be transferred to the Eastern District of California for processing as a § 2254 petition. The petition was transferred from the Sacramento Division to the Fresno Division, and the magistrate judge recommended dismissal without converting the matter into a § 1983 action.

DISPOSITION

dismissed

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 487, 489 (1973)
- Nettles v. Grounds, 830 F.3d 922, 934-36 (9th Cir. 2016) (en banc)
- Skinner v. Switzer, 562 U.S. 521, 535 & n.13 (2011)

- *Glaus v. Anderson*, 408 F.3d 382, 388 (7th Cir. 2005)
- *Robinson v. Sherrod*, 631 F.3d 839, 841 (7th Cir. 2011)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)

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