

**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

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 BRUCE LAMONT FULLER, Case No. 1:25-cv-001330-KES-EPG-HC 10 Petitioner,
FINDINGS AND RECOMMENDATION TO DISMISS PETITION FOR WRIT OF 11 v.
HABEAS CORPUS 12 PATWIN HORN, 13 Respondent. 14 15 Petitioner Bruce Lamont Fuller is
a state prisoner proceeding pro se with a petition for 16 writ of habeas corpus pursuant to 28
U.S.C. § 2254.

Given that the petition fails to state a 17 cognizable federal habeas claim, the undersigned
recommends that the petition be dismissed. 18 I. 19 BACKGROUND 20 Petitioner filed an
application for authorization to file a second or successive 28 U.S.C. 21 § 2254 habeas petition in
the Ninth Circuit.

On September 19, 2025, the Ninth Circuit denied the 22 application. (ECF No. 1.) However, the
Ninth Circuit found Petitioner’s supplemental 23 application, which claims Petitioner was denied
the right to a fair hearing before the California 24 Board of Parole Hearings, “unnecessary” and
ordered the clerk to “transfer the supplemental 25 application at Docket Entry No. 4, to the United
States District Court for the Eastern District of 26 California, to be processed as a § 2254 petition
challenging the applicant’s parole proceedings.” 27 (Id. at 1, 2.)

On October 7, 2025, the petition was transferred from the Sacramento Division to the Fresno
Division. (ECF No. 4.) 1 II. 2 DISCUSSION 3 Rule 4 of the Rules Governing Section 2254 Cases
requires preliminary review of a 4 habeas petition and allows a district court to dismiss a petition
before the respondent is ordered 5 to file a response, if it “plainly appears from the petition and
any attached exhibits that the 6 petitioner is not entitled to relief in the district court.” Rule 4,
Rules Governing Section 2254 7 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

8 A. Federal Habeas Corpus Jurisdiction 9 By statute, federal courts “shall entertain an application
for a writ of habeas corpus in 10 behalf of a person in custody pursuant to the judgment of a State
court only on the ground that he 11 is in custody in violation of the Constitution or laws or treaties
of the United States.” 28 U.S.C. 12 § 2254(a). A claim falls within the “core of habeas corpus”
when a prisoner challenges “the fact 13 or duration of his confinement” and “seeks either
immediate release from that confinement or the 14 shortening of its duration.” Preiser v.
Rodriguez, 411 U.S. 475, 489 (1973).

The Ninth Circuit has adopted the rule that a “state prisoner’s claim [that] does not lie at ‘the core of habeas corpus’... must be brought, ‘if at all,’ under § 1983.” *Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (en banc) (quoting *Preiser*, 411 U.S. at 487; *Skinner v. Switzer*, 562 U.S. 521, 535 n.13 (2011)).

Therefore, if “success on [Petitioner]’s claims would not necessarily lead to his immediate or earlier release from confinement, [Petitioner]’s claim does not fall within ‘the core of habeas corpus,’ and he must instead bring his claim under § 1983.” *Nettles*, 830 F.3d at 935 (quoting *Skinner*, 562 U.S. at 535 n.13). In the petition, Petitioner alleges that documents filed in the San Bernardino County Superior Court on February 16, 2022, “somehow never made it to the Court of Appeals.

Nor did it make it to the California Board of Parole Hearings.” (ECF No. 2 at 1.) Petitioner asserts that his right to a fair hearing before the Board of Parole Hearings (“BPH”) “was violated due to these documents not reaching BPH and the Court of Appeals.” (ECF No. 2 at 1.)

The Court finds that success on Petitioner’s claims would not necessarily lead to a grant of parole, but rather a 1 2019) (holding that petition asserting Eighth and Fourteenth Amendment violations arising from 2 denial of request for early parole would not necessarily result in immediate release from prison 3 but rather entitlement to a new parole hearing).

Under California law, the parole board must 4 consider all relevant reliable information in determining suitability for parole and has the 5 authority to deny parole on the basis of any grounds presently available to it. *Nettles*, 830 F.3d at 6 935.

As success on Petitioner’s claims would not necessarily lead to his immediate or earlier 7 release from confinement, these claims do not fall within “the core of habeas corpus,” and thus, 8 are not cognizable in federal habeas corpus. See *Nettles*, 830 F.3d at 935.

Accordingly, Petitioner 9 has failed to state cognizable claims for federal habeas corpus relief with respect to his claims 10 challenging the fairness of the BPH hearing, and dismissal is warranted on this ground. 11 B. Conversion to § 1983 Civil Rights Action 12 “If the complaint is amenable to conversion on its face, meaning that it names the correct 13 defendants and seeks the correct relief, the court may recharacterize the petition so long as it 14 warns the pro se litigant of the consequences of the conversion and provides an opportunity for 15 the litigant to withdraw or amend his or her complaint.” *Nettles*, 830 F.3d at 936 (quoting *Glaus v. Anderson*, 408 F.3d 382, 388 (7th Cir.

2005)). The Court notes that habeas corpus and 17 prisoner civil rights actions differ in a variety of respects, such as the proper defendants, filing 18 fees, exhaustion requirements, and restrictions

on future filings (e.g., the Prison Litigation 19 Reform Act’s three-strikes rule). Nettles, 830 F.3d at 936 (citing Robinson v. Sherrod, 631 F.3d 20 839, 841 (7th Cir.

2011); Glaus, 408 F.3d at 388). 21 Due to these differences and the disadvantages that recharacterization may have on 22 Petitioner’s claims, the undersigned finds that it would be inappropriate to construe the habeas 23 petition as a civil rights complaint under 42 U.S.C. § 1983.

The Court notes that the filing fee for 24 § 1983 civil rights cases is \$350, and Petitioner is required to pay the full amount by way of 25 deductions from income to Petitioner’s trust account, even if granted in forma pauperis status. 26 See 28 U.S.C. § 1915(b)(1).

Moreover, the petition names Patwin Horn, the warden at the Kern 27 Valley State Prison, as Respondent and thus, does not name the correct defendant in a civil rights 1 | 556 U.S. 662, 676 (2009) (“[A] plaintiff must plead that each Government-official defendant, 2 | through the official’s own individual actions, has violated the Constitution.”). This conclusion, 3 | however, does not preclude Petitioner from pursuing his claims in a properly filed civil action 4 | brought pursuant to 42 U.S.C. § 1983.

5 IL. 6 RECOMMENDATION & ORDER 7 Accordingly, the undersigned HEREBY RECOMMENDS that the petition for writ of 8 | habeas corpus be DISMISSED for failure to state a cognizable federal habeas claim. 9 Further, the Clerk of Court is DIRECTED to randomly assign a District Court Judge to 10 | the present matter. 11 This Findings and Recommendation is submitted to the assigned United States District 12 | Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local 13 | Rules of Practice for the United States District Court, Eastern District of California.

Within 14 | THIRTY (30) days after service of the Findings and Recommendation, Petitioner may file 15 | written objections, no longer than fifteen (15) pages, including exhibits, with the Court and 16 | serve a copy on all parties. Such a document should be captioned “Objections to Magistrate 17 | Judge’s Findings and Recommendation.” The assigned United States District Court Judge will 18 | then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1) (C).

The parties are 19 | advised that failure to file objections within the specified time may waive the right to appeal the 20 | District Court’s order. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. 21 | Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 22 73 IT IS SO ORDERED. 24) Dated: _ December 1, 2025 [sl ey 5 UNITED STATES MAGISTRATE JUDGE 26 27 28

