

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Rodney Carter v. L. Martinez

Carter v. Martinez · No. 8:21-cv-01833-JWH-MAR · Decided March 6, 2023

SUMMARY

The United States District Court for the Central District of California accepted the magistrate judge’s findings and recommendation in Rodney Carter’s federal habeas corpus proceeding. The court held that Carter’s state-law double-jeopardy claims were not cognizable on federal habeas review and that his related ineffective-assistance claims lacked merit, then dismissed the action with prejudice.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                   |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Central District of California                                                                                                                                                                                                                                               |
| JURISDICTION       | United States District Court for the Central District of California                                                                                                                                                                                                                                               |
| DECIDED            | March 6, 2023                                                                                                                                                                                                                                                                                                     |
| DOCKET             | 8:21-cv-01833-JWH-MAR                                                                                                                                                                                                                                                                                             |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE | Petitioner sought federal habeas corpus relief under 28 U.S.C. § 2254. After reviewing the magistrate judge's Final Report and Recommendation and conducting de novo review of the portions to which Petitioner objected, the district court accepted the recommendation and dismissed the action with prejudice. |
| STANDARD OF REVIEW | De novo review of the portions of the magistrate judge's Report and Recommendation to which Petitioner objected.                                                                                                                                                                                                  |
| PRECEDENTIAL VALUE | Unknown                                                                                                                                                                                                                                                                                                           |
| PARTIES            | Rodney Carter v. L. Martinez                                                                                                                                                                                                                                                                                      |

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure
- constitutional law

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- ineffective assistance of counsel
- state criminal procedure

## QUESTIONS PRESENTED

1. Whether Petitioner's claim that his second trial violated California state-law double-jeopardy provisions was cognizable in a federal habeas corpus proceeding.
2. Whether trial or appellate counsel provided ineffective assistance by failing to raise Petitioner's state-law double-jeopardy arguments or object to the state court's application of California Penal Code § 1382(a)(2).

## HOLDINGS

1. A claim based solely on an alleged violation of state law is not cognizable for federal habeas corpus relief.
2. Counsel is not ineffective for failing to raise meritless state-law arguments.

## KEY QUOTATIONS

*“federal habeas relief is limited to addressing violations of federal law and does not lie for errors of state law”* (2)

*“For those reasons, the Court hereby ORDERS that Judgment shall be entered DISMISSING this action with prejudice.”* (3)

## FACTUAL BACKGROUND

Petitioner challenged a second state criminal trial, arguing that it violated California's statutory double-jeopardy and speedy-trial provisions, including California Penal Code §§ 1023 and 1382(a)(2). He also alleged that trial and appellate counsel were ineffective for failing to raise those state-law arguments and for failing to object to the state trial court's application of § 1382(a)(2). The district court concluded that the underlying state-law claims were not cognizable on federal habeas review and that counsel was not ineffective for failing to raise meritless claims.

## PROCEDURAL HISTORY

Carter filed a petition for a writ of habeas corpus challenging his state criminal proceedings, including a claimed state-law double-jeopardy violation and ineffective assistance of trial and appellate counsel. The magistrate judge issued a Final Report and Recommendation. The district court reviewed the record and Petitioner's objections, accepted the findings and recommendation generally, and dismissed the action with prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Juan H. v. Allen, 408 F.3d 1262, 1273-74 (9th Cir. 2005) (as amended)
- Wildman v. Johnson, 261 F.3d 832, 840 (9th Cir. 2001)

## OPINION

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5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 11  
RODNEY CARTER, Case No. 8:21-cv-01833-JWH(MAR) 12 Petitioner, 13 v. ORDER  
ACCEPTING FINDINGS AND RECOMMENDATION OF 14 UNITED STATES  
MAGISTRATE JUDGE 15 L. MARTINEZ, 16 Respondent. 17 18 19 20 21 22 23 24 25 26 27 28  
Case 8:21-cv-01833-JWH-MAR Document 19 Filed 03/06/23 Page 2 of 3 Page ID #:2638 1  
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for a Writ of 2 Habeas Corpus,  
the records on file, and the Final Report and Recommendation of the 3 United States Magistrate  
Judge.

The Court has engaged in de novo review of those 4 portions of the Report to which Petitioner has  
objected. The Court ACCEPTS the 5 findings and recommendation of the Magistrate Judge,  
generally. 6 The Court recognizes that, in the Petition and the Objections, Petitioner raises 7  
arguments based on state law, which were not explicitly addressed in the Final Report 8 and  
Recommendation.

First, Petitioner argues that his second trial violated state 9 double jeopardy principles, specifically  
as provided for under California Penal Code 10 § 1023 and as implemented under California Penal  
Code § 1382(a)(2). Dkt. 1 at 29- 11 30; Dkt. 16 at 3 & 5-6.

In addition, Petitioner argues that his trial and appellate 12 counsel were ineffective, in part, for  
failing to raise in the state courts these state-law 13 double jeopardy arguments. Dkt. 1 at 13, 18;  
Dkt. 16 at 3 & 6.

Finally, Petitioner 14 argues that his trial counsel was ineffective for failing to object to the trial  
court's 15 misapplication of California Penal Code § 1382(a)(2) in finding that Petitioner was 16  
subject to retrial. Dkt. 1 at 14; Dkt. 16 at 3. Nevertheless, these arguments do not 17 entitle  
Petitioner to federal habeas corpus relief. 18 Petitioner's argument that his second trial violated  
state double jeopardy 19 principles is not cognizable on federal habeas review.

See *Estelle v. McGuire*, 502 20 U.S. 62, 67-68 (1991) (federal habeas relief is limited to  
addressing violations of 21 federal law and does not lie for errors of state law). Although  
Petitioner's ineffective 22 assistance of counsel arguments based on the failure to raise state law  
issues in the 23 state courts are cognizable here, Petitioner has not shown that his second trial  
violated 24 either California Penal Code § 1023 or § 1382(a)(2), or any other provision of state 25  
law.

Neither Petitioner's trial counsel nor his appellate counsel was ineffective for 26 failing to raise in  
the state courts meritless arguments based on these state law double 27 jeopardy arguments. See  
*Juan H. v. Allen*, 408 F.3d 1262, 1273-74 (9th Cir. 2005) (as 28 amended) ("The California Court

of Appeal was not objectively unreasonable in 2 Case 8]21-cv-01833-JWH-MAR Document 19  
Filed 03/06/23 Page 3of3 Page ID #:2639 1 | holding that the performance of counsel did not fall  
below an “objective standard of 2 | reasonableness” on account of not raising this meritless  
objection.”); see also 3. | Wildman v. Johnson, 261 F.3d 832, 840 Oth Cir.

2001) (“[Petitioner] cannot sustain 4 | his claim for ineffective assistance of appellate counsel  
because the issues he raises are 5 | without merit.”). 6 For those reasons, the Court hereby  
ORDERS that Judgment shall be entered 7 | DISMISSING this action with prejudice. 8 IT IS SO  
ORDERED. 10 | Dated: March 6, 2023 VY 11 12 United States Dittrict Judge 13 14 15 16 17 18  
19 20 21 22 23 24 25 26 27 28