

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mejia v. Allen

Mejia · No. 1:23-cv-01730-KES-CDB (HC) · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Geronimo Mejia’s 28 U.S.C. § 2254 habeas petition without prejudice. The dismissal was based on Mejia’s failure to prosecute and failure to comply with the court’s order requiring an amended petition. The court declined to issue a certificate of appealability and directed the clerk to close the case.

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	August 28, 2025
DOCKET	1:23-cv-01730-KES-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 was dismissed without prejudice after petitioner failed to file an amended petition as ordered and failed to prosecute the action. The district court adopted the magistrate judge’s findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge’s findings and recommendations.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Geronimo Mejia v. Trent Allen

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed without prejudice because petitioner failed to comply with the court's order to file an amended petition and failed to prosecute the action.
2. Whether a certificate of appealability should issue following the procedural dismissal.

HOLDINGS

1. The petition was properly dismissed without prejudice because petitioner failed to comply with the screening order requiring an amended petition and failed to prosecute the action.
2. A certificate of appealability should not issue because petitioner failed to show that reasonable jurists would find debatable both the correctness of the procedural ruling and whether the petition stated a valid constitutional claim.

KEY QUOTATIONS

"A certificate of appealability is appropriate only where both inquires are satisfied." (at 2)

"The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT PREJUDICE for failure to prosecute and to obey court orders." (at 2)

FACTUAL BACKGROUND

Mejia, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Following preliminary screening, the court ordered him to file an amended petition to correct identified deficiencies, but he failed to comply by the deadline and made no other filing. Court mail was later returned as undeliverable, and available custody records did not show a current California Department of Corrections and Rehabilitation record for him.

PROCEDURAL HISTORY

Mejia filed a § 2254 habeas petition and proceeded pro se and in forma pauperis. After preliminary screening, the magistrate judge ordered him to file an amended petition addressing identified deficiencies. Mejia failed to comply or make any other filing, and the magistrate judge recommended dismissal without prejudice for failure to obey court orders and failure to prosecute. Mejia filed no objections, and the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition without prejudice, closed the case, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Rosas v. Nielsen, 428 F.3d 1229, 1233 (9th Cir. 2005)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Murray v. Schriro, 745 F.3d 984, 1002 (9th Cir. 2014)

OPINION

(HC) Mejia v. Allen

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 GERONIMO MEJIA, Case No. 1:23-cv-01730-KES-CDB (HC) 12 Petitioner, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS, DISMISSING

13 v. PETITION FOR WRIT OF HABEAS

CORPUS WITHOUT PREJUDICE FOR

14 TRENT ALLEN, PETITIONER'S FAILURE TO PROSECUTE

AND FAILURE TO OBEY COURT ORDERS

15 Respondent. Doc. 17 16 17 Geronimo Mejia is a state prisoner proceeding pro se and in forma
pauperis with a petition 18 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The
matter was referred to a 19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B)
and Local Rule 302. 20 On June 24, 2025, following a preliminary screening of the petition, the
assigned 21 magistrate judge ordered petitioner to file an amended petition to remedy certain
identified 22 deficiencies. Doc. 15. When petitioner failed to timely comply with the Court's
screening order 23 or make any other filing by the deadline, the magistrate judge issued findings
and 24 recommendations, recommending dismissal without prejudice for petitioner's failure to
obey 25 court orders and failure to prosecute this action. Doc. 17. Those findings and
recommendations 26 were served upon petitioner and contained notice that any objections thereto
were to be filed 27 within fourteen (14) days after service. Petitioner did not file objections and the
time to do so has 1 expired.¹ 2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the
Court has conducted a de 3 novo review of the case. Having carefully reviewed the file, the Court
concludes that the findings 4 and recommendations are supported by the record and proper
analysis. 5 The Court next turns to whether a certificate of appealability should issue. Generally, a
6 certificate of appealability may be issued under 28 U.S.C. § 2253 "only if the applicant has made
7 a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Where, as 8
here, the petition is dismissed on procedural grounds, a certificate of appealability "should issue 9
only if the prisoner can show: (1) 'that jurists of reason would find it debatable whether the 10
district court was correct in its procedural ruling'; and (2) 'that jurists of reason would find it 11
debatable whether the petition states a valid claim of the denial of a constitutional rights.'" Rosas
12 v. Nielsen, 428 F.3d 1229, 1233 (9th Cir. 2005) (quoting Slack v. McDaniel, 529 U.S. 473, 484
13 (2000)). A certificate of appealability is appropriate only where both inquires are satisfied. 14
Murray v. Schriro, 745 F.3d 984, 1002 (9th Cir. 2014). Here, petitioner has not made a showing 15
that jurists of reason would find it debatable whether the petition should be dismissed on 16

procedural grounds. Accordingly, the Court declines to issue a certificate of appealability. 17 /// 18
/// 19 /// 20 /// 21 /// 22 /// 23 /// 24 1 On August 21, 2025, the U.S. Postal Service returned the
Court's mail as "Undeliverable, 25 Return to Sender, Refused, Unable to Forward, Inactive, No
Longer at Salinas Valley State Prison." The California Incarcerated Records and Information
Search (CIRIS) tool produced no 26 results using Petitioner's first and last name and CDCR
Number, indicating Petitioner no longer is in the custody of the California Department of
Corrections and Rehabilitation (CDCR). See 27 [https://ciris.mt.cdcr.ca.gov/results?](https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo)
[lastName=mejia&firstName=geronimo](https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo) & [https://ciris.mt.cdcr.ca.gov/results?](https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo)
[cdcrNumber=BR5345](https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo) (last visited August 27, 2025). 1 Based upon the foregoing, the Court
ORDERS: 2 1. The findings and recommendations issued on August 6, 2025, Doc. 17, are 3
ADOPTED in full. 4 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT
5 PREJUDICE for failure to prosecute and to obey court orders. 6 3. The Clerk of the Court is
directed to close the case. 7 4. The Court declines to issue a certificate of appealability. 8 9
19 | IT IS SO ORDERED. _

11 Dated: _ August 28, 2025 4h

UNITED STATES DISTRICT JUDGE

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