

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

G. Memo Vera v. Kern County Superior Court Psych's

Case No. 1:24-cv-01332-CDB (HC) (E.D. Cal. Aug. 11, 2025) · No. 1:24-cv-01332-CDB (HC) · Decided
August 11, 2025

SUMMARY

The United States District Court for the Eastern District of California screened G. Memo Vera’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court found that the petition named an improper respondent and failed to state a cognizable federal habeas claim. The court granted Petitioner 30 days to file a first amended petition or request to stand on the existing petition.

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 11, 2025
DOCKET	1:24-cv-01332-CDB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Initial screening of a state prisoner's pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing § 2254 Cases, the court preliminarily reviews the petition and must dismiss it if it plainly appears that the petitioner is not entitled to relief. Pro se habeas petitions are liberally construed, but they must allege facts showing a real possibility of constitutional error; vague, conclusory, incredible, or frivolous allegations may be summarily dismissed.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court screening order
PARTIES	G. Memo Vera v. Kern County Superior Court Psych's

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- personal jurisdiction
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the petition was subject to dismissal at preliminary screening because it failed to name a proper habeas respondent.
2. Whether the petition stated a cognizable federal habeas claim under 28 U.S.C. § 2254.
3. Whether petitioner should be granted leave to amend rather than have the action dismissed immediately.

HOLDINGS

1. A petitioner seeking habeas relief must name the officer having custody of the petitioner, ordinarily the warden of the facility where the petitioner is incarcerated; naming the Kern County Superior Court Psych's was insufficient and deprived the court of personal jurisdiction.
2. A state prisoner must allege facts showing that custody violates the Constitution, laws, or treaties of the United States; allegations concerning institutional procedures and psychological evaluations, without showing an effect on the length or legality of confinement, do not state a cognizable federal habeas claim.
3. A deficient habeas petition should not be dismissed without leave to amend when it is not clear that the petitioner cannot plead a tenable claim if given an opportunity to amend.

KEY QUOTATIONS

“Failure to name the proper respondent strips the district court of personal jurisdiction.” (at 2)

“Notice pleading is not sufficient; rather, the petition must state facts that point to a real possibility of constitutional error.” (at 2)

FACTUAL BACKGROUND

G. Memo Vera, a state prisoner proceeding pro se and in forma pauperis, filed a § 2254 petition containing unclear references to fraudulent diagnoses, fraud upon the court, false accusations, psychological evaluations, prison grievances, and various state and federal statutes. The petition named the Kern County Superior Court Psych's rather than the officer having custody of Vera. The court could not discern any claim showing that the challenged institutional procedures or psychological evaluations affected the length or legality of Vera's confinement.

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition on October 31, 2024. The court conducted preliminary screening under Rule 4 of the Rules Governing § 2254 Cases and found that the petition named an improper respondent and failed to state a cognizable federal habeas claim. Rather than immediately dismissing the action, the court granted petitioner 30 days to file an amended petition or request to stand on the petition.

DISPOSITION

other

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir.)
- Mayle v. Felix, 545 U.S. 644, 655 (2005)
- Jarvis v. Nelson, 440 F.2d 13, 14 (9th Cir.)
- Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir.)
- Sky v. Stolc, 497 F. App'x 696, 696 (9th Cir.)

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