

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Charles Graves v. Unknown

Graves · No. 2:24-cv-2642-JDP (P) · Decided March 3, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Charles Graves’s Section 2254 petition with leave to amend. The court found that the asserted California Racial Justice Act claim appeared unexhausted and to raise only an issue of state law, granted in forma pauperis status, and ordered petitioner to file an amended petition or notice of voluntary dismissal within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 3, 2025
DOCKET	2:24-cv-2642-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Preliminary review of a state prisoner’s 28 U.S.C. § 2254 petition under Rule 4 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court conducts preliminary review and must order a response unless it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charles Graves v. Unknown

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the petition should be dismissed at preliminary review because it did not state a viable federal habeas claim.
2. Whether the petition should be dismissed as apparently unexhausted because petitioner had not presented the claim to the California Supreme Court.
3. Whether petitioner should receive leave to amend the petition.

HOLDINGS

1. The petition, as articulated, did not state a viable federal habeas claim because it appeared to assert only a state-law claim under California’s Racial Justice Act.
2. The petition appeared unexhausted because petitioner stated that he had not presented his claim to the California Supreme Court.
3. The court could dismiss the petition under Rule 4 because it plainly appeared that petitioner was not entitled to federal habeas relief on the petition as presented.

KEY QUOTATIONS

“Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief.” (at 1)

“Rather than recommending dismissal of the case, I will dismiss the petition with leave to amend.” (at 2)

FACTUAL BACKGROUND

Charles Graves, a state prisoner, filed a § 2254 petition claiming under California’s Racial Justice Act that he and other non-white prisoners received longer sentences than white prisoners. He indicated that he had not presented the claim to the California Supreme Court. The court further determined that the claim appeared to invoke only state law rather than a cognizable federal habeas ground.

PROCEDURAL HISTORY

Petitioner filed a § 2254 habeas petition asserting a claim under California’s Racial Justice Act. On preliminary review, the court concluded that the petition did not articulate a viable federal habeas claim and appeared unexhausted. The court dismissed the petition with leave to amend, granted in forma pauperis status, and allowed petitioner thirty days to file an amended petition or voluntarily dismiss the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019)
- Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998)

- Gatlin v. Madding, 189 F.3d 882, 888 (9th Cir. 1999)
- Estelle v. McGuire, 502 U.S. 62, 67 (1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CHARLES GRAVES, Case No. 2:24-cv-2642-JDP (P) 12 Petitioner, 13 v.
ORDER 14 UNKNOWN, 15 Respondent. 16 17 18 Petitioner, a state prisoner, brings this action
under section 2254. ECF No. 1.

The 19 petition does not, as articulated, assert a viable federal habeas claim. Nor does it appear 20
exhausted. I will dismiss the current petition and give petitioner an opportunity to amend and 21
explain why this action should proceed. I will also grant petitioner’s application to proceed in 22
forma pauperis. ECF No. 5. 23 The petition is before me for preliminary review under Rule 4 of
the Rules Governing 24 Section 2254 Cases.

Under Rule 4, the judge assigned to the habeas proceeding must examine 25 the habeas petition
and order a response to the petition unless it “plainly appears” that the 26 petitioner is not entitled
to relief. See Valdez v. Montgomery, 918 F.3d 687, 693 (9th Cir. 2019); 27 Boyd v. Thompson,
147 F.3d 1124, 1127 (9th Cir. 1998). 28 Petitioner advances a claim under California’s Racial
Justice Act and argues that he, and 1 | other non-white prisoners, have received longer sentences
than white convicts.

ECF No. | at 3. 2 | The claim appears unsuitable to proceed for two reasons. First, petitioner
indicates that he did not 3 | present the claim to the California Supreme Court, id. at 5, as he must
have to exhaust it for 4 | federal purposes. See Gatlin v. Madding, 189 F.3d 882, 888 (9th Cir.
1999) (“To exhaust a 5 | habeas claim properly, a petitioner must present his claim to the state
supreme court even if that 6 | court’s review is discretionary.”).

Second, the claim itself appears to invoke only state law and, 7 | thus, raise no colorable federal
habeas claim. See Estelle v. McGuire, 502 U.S. 62, 67 (1991) 8 | (‘We have stated many times that
federal habeas corpus relief does not lie for errors of state 9 | law.’) (internal quotation marks
omitted). 10 Rather than recommending dismissal of the case, I will dismiss the petition with leave
to 11 | amend.

Petitioner may file a new petition that addresses these deficiencies and explains why, if at 12 all,
his claim should proceed. 13 Accordingly, it is ORDERED that: 14 1. Petitioner’s application to
proceed in forma pauperis, ECF No. 5, is GRANTED. 15 2.

The petition, ECF No. 1, is DISMISSED with leave to amend. 16 3. Within thirty days from
service of this order, petitioner shall file either (1) an 17 | amended petition or (2) notice of
voluntary dismissal of this action without prejudice. 18 4. Failure to timely file either an amended
petition or notice of voluntary dismissal 19 || may result in the imposition of sanctions, including a

recommendation that this action be 20 | dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

21 5. The Clerk of Court shall send petitioner a habeas petition form with this order. 22 73 IT IS
SO ORDERED. 24 (q Sty — Dated: _ February 28, 2025 ow—— 25 JEREMY D. PETERSON
26 UNITED STATES MAGISTRATE JUDGE 27 28