

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

William Henry Thomas v. Warden, Folsom State Prison

Thomas v. Warden · No. 2:23-cv-02741-DAD-EFB (HC) · Decided August 18, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a state prisoner’s habeas corpus proceeding under 28 U.S.C. § 2254. The court dismissed claims two through six without prejudice, stayed consideration of claim one pending exhaustion in state court, and denied or mooted the petitioner’s remaining motions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 18, 2025
DOCKET	2:23-cv-02741-DAD-EFB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court reviewed and adopted a magistrate judge's findings and recommendations after no objections were filed, partially granted respondent's motion to dismiss, stayed one claim under Kelly v. Small, and dismissed other claims without prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	William Henry Thomas v. Warden, Folsom State Prison

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Civil procedure

QUESTIONS PRESENTED

1. Whether respondent's motion to dismiss should be granted in part because claims two through six were subject to dismissal without prejudice.
2. Whether consideration of claim one should be stayed under the procedure described in *Kelly v. Small* pending exhaustion of claims two through six in state court.
3. Whether petitioner was entitled to appointment of counsel.
4. Whether petitioner's requests for a response from the attorney general and a copy of the docket should be denied as moot.

HOLDINGS

1. The district court adopted the findings and recommendations in full after conducting de novo review and finding them supported by the record and proper analysis.
2. Respondent's motion to dismiss was granted in part, and petitioner's claims two through six were dismissed without prejudice.
3. The court granted petitioner's motions for a stay under *Kelly v. Small* and stayed consideration of claim one pending exhaustion of claims two through six in the California courts.
4. Petitioner's motion for appointment of counsel was denied without prejudice.
5. Petitioner's request that the attorney general respond and request for a copy of the docket were denied as moot.

KEY QUOTATIONS

"Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis." (at 1)

"Petitioner shall pursue exhaustion of claims 2-6 by submitting a petition in the California Supreme Court within 30 days of the date of this order;" (at 1)

"Petitioner shall file a motion to lift the stay and a request to file an amended petition including his newly exhausted claims within 30 days of exhaustion;" (at 1)

FACTUAL BACKGROUND

Petitioner William Henry Thomas is a state prisoner proceeding pro se and in forma pauperis. He filed a federal habeas petition under 28 U.S.C. § 2254 containing six claims, with claims two through six apparently requiring exhaustion in the California courts. The court stayed consideration of claim one while requiring petitioner to pursue exhaustion of claims two through six in the California Supreme Court.

PROCEDURAL HISTORY

Thomas filed an application for a writ of habeas corpus under 28 U.S.C. § 2254 and an amended petition presenting six claims. The magistrate judge recommended dismissing claims two through six without prejudice, staying claim one pending exhaustion, denying appointment of counsel, and denying or terminating other

motions as moot. After the parties failed to object, the district court conducted de novo review under 28 U.S.C. § 636(b)(1)(C), adopted the recommendations, and entered the specified stay, dismissal, and scheduling orders.

DISPOSITION

other

CASES CITED

- Kelly v. Small, 315 F.3d 1063, 1070-71 (9th Cir. 2002)

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