

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Carlos Galindo Flores v. Theo White, Warden

Flores v. White, No. CV 25-5517-DOC(E) (C.D. Cal. July 11, 2025) · No. No. CV 25-5517-DOC(E) · Decided
July 11, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Carlos Galindo Flores’s habeas petition challenging his 1993 conviction and sentence. The court held that the petition was second or successive under 28 U.S.C. § 2244(b) and that Flores had not obtained authorization from the Ninth Circuit, so the court lacked jurisdiction to entertain it.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	David O. Carter
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 11, 2025
DOCKET	No. CV 25-5517-DOC(E)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2254 dismissed as a second or successive petition filed without authorization from the Ninth Circuit.
STANDARD OF REVIEW	The court applied the jurisdictional requirements governing second or successive habeas petitions under 28 U.S.C. § 2244(b).
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential value not otherwise specified.
PARTIES	Carlos Galindo Flores v. Theo White, Warden

TOPICS

- federal habeas corpus
- successive petitions
- subject matter jurisdiction
- post-conviction relief
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could entertain a habeas petition challenging a conviction and sentence previously challenged in federal court when the petitioner had not obtained authorization from the Ninth Circuit to file a second or successive petition.

HOLDINGS

1. A petitioner must obtain authorization from the court of appeals before filing a second or successive habeas petition, and absent that authorization the district court lacks jurisdiction to consider the petition.
2. A habeas petition need not be repetitive to qualify as second or successive under 28 U.S.C. § 2244(b).

KEY QUOTATIONS

“A petition need not be repetitive to be “second or successive,” within the meaning of 28 U.S.C. section 2244(b).” (at 2)

“Consequently, this Court cannot entertain the present Petition.” (at 2)

“For all of the foregoing reasons, the Petition is denied and dismissed without prejudice.” (at 2)

FACTUAL BACKGROUND

Petitioner challenged his 1993 Los Angeles Superior Court conviction and sentence through a federal habeas petition. He had previously filed a federal habeas petition challenging the same conviction and sentence. The record did not reflect that the Ninth Circuit had authorized him to file the present petition.

PROCEDURAL HISTORY

Petitioner filed the present habeas petition on June 11, 2025, challenging his 1993 Los Angeles Superior Court conviction and sentence. He had previously challenged the same conviction and sentence in a 1997 habeas petition and in a later proceeding. The district court determined that the present petition was second or successive and that Petitioner had not obtained Ninth Circuit authorization to file it.

DISPOSITION

dismissed

CASES CITED

- Flores v. White, 182 F.3d 925 (9th Cir. 1999); 1999 WL 313642
- Burton v. Stewart, 549 U.S. 147, 157 (2007)
- Barapind v. Reno, 225 F.3d 1100, 1111 (9th Cir. 2000)
- Thompson v. Calderon, 151 F.3d 918, 920-21 (9th Cir.)
- Calbert v. Marshall, 2008 WL 649798, at *2-4 (C.D. Cal. Mar. 6, 2008)

- Remsen v. Att’y Gen. of Calif., 471 Fed. App’x 571, 571 (9th Cir. 2012)
- Mir v. Little Company of Mary Hosp., 844 F.2d 646, 649 (9th Cir. 1988)

OPINION

Flores v. White

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10

11 CARLOS GALINDO FLORES, No. CV 25-5517-DOC(E)

12 Petitioner,

13 v. ORDER OF DISMISSAL

14 THEO WHITE, WARDEN,

15 Respondent. 16

17 On June 11, 2025, Petitioner filed a “Petition for Writ of Habeas Corpus.” The Petition 18 challenges Petitioner’s 1993 conviction and sentence in Los Angeles Superior Court (Petition at 2-3). 19 Petitioner previously challenged the same conviction and sentence in a habeas petition filed in this 20 Court in 1997. See Flores v. White, CV 97-3373-MKW(RNB) (“the prior habeas petition”); see also 21 Flores v. White, 182 F.3d 925, 1999 WL 313642 (9th Cir. 1999); Flores v. Warden, CV 05-9030- 22 R(RNB). 23 24 The Court must dismiss the present Petition in accordance with 28 U.S.C. section 2244(b) (as 25 amended by the “Antiterrorism and Effective Death Penalty Act of 1996”). Section 2244(b) requires 26 that a petitioner seeking to file a “second or successive” habeas petition first obtain authorization from 27 the Court of Appeals. See Burton v. Stewart, 549 U.S. 147, 157 (2007) (where petitioner did not 1 || Court was without jurisdiction to entertain [the petition]); Barapind v. Reno, 225 F.3d 1100, 1111 2 || (9th Cir. 2000) (“the prior-appellate-review mechanism set forth in § 2244(b) requires the permission of 3 || the court of appeals before ‘a second or successive habeas application under § 2254’ may be 4 || commenced”). A petition need not be repetitive to be “second or successive,” within the meaning of 28 5 || U.S.C. section 2244(b). See, e.g., Thompson v. Calderon, 151 F.3d 918, 920-21 (9th Cir.), cert. denied, 6 || U.S. 965 (1998); Calbert v. Marshall, 2008 WL 649798, at *2-4 (C.D. Cal. Mar. 6, 2008). 7 || Petitioner evidently has not yet obtained authorization from the Ninth Circuit Court of Appeals.! 8 || Consequently, this Court cannot entertain the present Petition. See Burton v. Stewart, 549 U.S. at 157; 9 || see also Remsen v. Att’y Gen. of Calif., 471 Fed. App’x 571, 571 (9th Cir. 2012) (if a petitioner fails to

10. || obtain authorization from the Court of Appeals to file a second or successive petition, “the district court

11 || lacks jurisdiction to consider the petition and should dismiss it.”) (citation omitted). 12 13 For

all of the foregoing reasons, the Petition is denied and dismissed without prejudice. 14 15 LET
JUDGMENT BE ENTERED ACCORDINGLY. 16 DATED: July 11, 2025.

18 Abit 0 Cwrtiw

19 DAVID O. CARTER

UNITED STATES MAGISTRATE JUDGE

20 21 || PRESENTED this 25th day 22 || of June, 2025, by: 23 /S/

CHARLES F. EICK

24 || UNITED STATES MAGISTRATE JUDGE

25 26 I The docket for the United States Court of Appeals for the Ninth Circuit, available on the
Pacer database on www.pacer.gov, does not reflect that anyone named Carlos Galindo Flores has
27 || received authorization to file a second or successive petition. See *Mir v. Little Company of*
Mary Hosp., 844 F.2d 646, 649 (9th Cir. 1988) (court may take judicial notice of court records). 28