

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PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential value not otherwise specified.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)

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