

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dante Perkins v. Joshua Prudhel

No. 2:25-CV-0947-DC-DMC-P · No. No. 2:25-CV-0947-DC-DMC-P · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting Respondent’s unopposed motion to dismiss a state prisoner’s 28 U.S.C. § 2254 habeas petition. The court concludes that the petitioner’s challenge to the state court’s refusal to strike a firearm sentence enhancement presents an issue of state-law interpretation that is not cognizable on federal habeas review. The findings and recommendations were issued by Magistrate Judge Dennis M. Cota, with objections due within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 17, 2025
DOCKET	No. 2:25-CV-0947-DC-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent moved unopposed to dismiss, and the magistrate judge issued findings and recommendations that the motion be granted and the petition dismissed.
STANDARD OF REVIEW	A federal habeas court may grant relief under 28 U.S.C. § 2254 only for a violation of federal law binding on the state courts; alleged errors in interpreting or applying state law generally are not cognizable. A federal court is bound by a state court's interpretation and application of its own law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dante Perkins, Petitioner v. Joshua Prudhel, Respondent

TOPICS

federal habeas corpus

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motions to dismiss

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Constitutional law

Criminal sentencing

QUESTIONS PRESENTED

1. Whether Perkins's challenge to the California court's refusal to strike a firearm sentence enhancement presented a cognizable federal habeas claim.
2. Whether characterizing the state sentencing-law claim as a due process violation transformed it into a federal constitutional claim cognizable under 28 U.S.C. § 2254.

HOLDINGS

1. A federal habeas petition under 28 U.S.C. § 2254 does not provide relief for an alleged error in a state court's interpretation or application of state law.
2. A state-law sentencing claim is not rendered cognizable under federal habeas review merely because the petitioner labels the alleged error a due process violation, particularly where the alleged error did not infect the trial or resulting conviction.

KEY QUOTATIONS

"It is not available for alleged error in the interpretation or application of state law." (at 2)

"A federal habeas court is bound by the state courts' interpretation and application of state law." (at 2)

FACTUAL BACKGROUND

A California resentencing court removed two sentence enhancements but declined to strike a third firearm enhancement imposed in the same case. Perkins also alleged that the sentencing court should have referred him for a probation report. The California Court of Appeal rejected his claim, explaining that the state law he cited did not apply to the third firearm enhancement or the prior strike.

PROCEDURAL HISTORY

Perkins challenged the refusal of a California resentencing court to strike a third firearm sentence enhancement and alleged violations of due process and federal law. The California Court of Appeal for the Third Appellate District denied the same claim, concluding that the cited state law did not apply to the third firearm enhancement or prior strike. Respondent then moved to dismiss the federal habeas petition, and the magistrate judge recommended dismissal.

DISPOSITION

other

CASES CITED

- United States v. Tucker, 404 U.S. 443, 448 (1972)
- Mullaney v. Wilbur, 421 U.S. 684, 689 (1975)
- Bradshaw v. Richey, 546 U.S. 74, 76 (2005)
- Franzen v. Brinkman, 877 F.2d 26, 26 (9th Cir. 1989)
- United States v. Stiger, 2019 WL 2422486, at *3 (N.D. Okla. June 10, 2019)
- Hill v. Warden, 2014 WL 1093041, at *2 (C.D. Cal. Mar. 18, 2014)
- Cooper v. Supreme Court of California, 2014 WL 198708, at *2 (C.D. Cal. Jan. 16, 2014)
- Johnson v. Spearman, 2013 WL 3053043, at *2 (C.D. Cal. June 10, 2013)
- Langford v. Day, 110 F.3d 1380, 1389 (9th Cir. 1996)
- Middleton v. Cupp, 768 F.2d 1083, 1085 (9th Cir. 1985)
- Gutierrez v. Griggs, 695 F.2d 1195, 1197 (9th Cir. 1983)
- Lincoln v. Sunn, 807 F.2d 805, 814 (9th Cir. 1987)
- Givens v. Housewright, 786 F.2d 1378, 1381 (9th Cir. 1986)
- Milton v. Wainwright, 407 U.S. 371, 377 (1972)
- Hines v. Enomoto, 658 F.2d 667, 673 (9th Cir. 1981)
- Quigg v. Crist, 616 F.2d 1107 (9th Cir. 1980)
- Lisenba v. California, 314 U.S. 219, 236 (1941)
- Hill v. United States, 368 U.S. 424, 428 (1962)
- Crisafi v. Oliver, 396 F.2d 293, 294-95 (9th Cir. 1968)
- Chavez v. Dickson, 280 F.2d 727, 736 (9th Cir. 1960)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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