

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Charles D. Riel v. Warden, San Quentin State Prison

Riel v. Warden · No. 2:01-cv-0507 MCE DB · Decided March 13, 2023

SUMMARY

The court addresses two pro se letters from death-row petitioner Charles D. Riel expressing concern that he may be assaulted in prison. The court finds the alleged risk speculative but directs that the order and letters be served on the relevant parties, counsel, the San Quentin State Prison Litigation Coordinator, and the petitioner.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Borah Barnes
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2023
DOCKET	2:01-cv-0507 MCE DB
DISPOSITION	other
PROCEDURAL POSTURE	In a pending federal death-penalty habeas corpus action, the court addressed two pro se letters submitted by a represented petitioner expressing concern about a possible assault.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charles D. Riel v. Warden, San Quentin State Prison

TOPICS

[federal habeas corpus](#) [prisoners rights](#) [civil procedure](#)

PRACTICE AREAS

[federal habeas corpus](#) [prisoners rights](#) [civil procedure](#)

QUESTIONS PRESENTED

- Whether the court should act on pro se letters submitted by a represented habeas petitioner.
- Whether the petitioner's letters established a likely imminent risk to his safety requiring judicial action.

KEY QUOTATIONS

“Petitioner’s concerns currently appear to be speculative and he has not provided sufficient information about the alleged risk to petitioner’s safety.” (at 1)

FACTUAL BACKGROUND

Charles D. Riel, who is represented by counsel in this death-penalty habeas action, submitted two handwritten letters directly to the court. He expressed concern that he might be assaulted, based primarily on his belief that a correctional officer disliked him and might induce another inmate to assault him. The court found those concerns speculative and unsupported by sufficient information to establish a likely imminent safety risk.

PROCEDURAL HISTORY

The court had previously issued an order addressing two earlier letters from petitioner. It received two additional letters, found that petitioner was represented by counsel and that his pro se filings were improper, concluded that his safety concerns did not establish a likely imminent risk, notified the parties and counsel, and directed the Clerk to serve the order on the San Quentin State Prison Litigation Coordinator and petitioner.

DISPOSITION

other

CASES CITED

- United States v. Gwiazdzinski, 141 F.3d 784, 787 (7th Cir. 1998)

OPINION

(HC) (DP) Riel v. Woodford

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CHARLES D. RIEL, No. 2:01-cv-0507 MCE DB

12 Petitioner, DEATH PENALTY CASE 13 v. 14 WARDEN, San Quentin State Prison, ORDER
15 Respondent. 16 17 On March 8, 2023, the court issued an order addressing two letters
petitioner had filed 18 with the court. (ECF No. 617.) The court has now received two additional
letters from the 19 petitioner, Charles Riel. (ECF Nos. 618, 619.) The court has received two
handwritten letters 20 from the petitioner, Charles Riel. (ECF Nos. 615, 616.) As noted in the
court’s prior order, 21 petitioner is represented by counsel in this action and pro se filings by a
represented party are 22 improper. See United States v. Gwiazdzinski, 141 F.3d 784, 787 (7th Cir.
1998). Petitioner again 23 is encouraged to address any issues regarding this action with his

attorney. 24 In petitioner's two recent letters, he expresses concern that he may be assaulted. (ECF
25 Nos. 618, 619.) This appears to be mainly based on the fact that he believes a correctional
officer

26 "just can't stand [petitioner]" and may attempt to get an inmate to assault the plaintiff. (ECF
No. 27 619.) Petitioner's concerns currently appear to be speculative and he has not provided
sufficient 28 information about the alleged risk to petitioner's safety. As such, petitioner has not
shown that 1 | there is likely an imminent risk to petitioner. However, the safety of all parties is
always of 2 || concern to the court. In the interest of ensuring petitioner's safety, all parties and
their respective 3 | counsel are notified regarding the letters petitioner has filed (ECF Nos. 618,
619) and the 4 | concerns petitioner has raised therein about his safety. Additionally, the Clerk of
the Court will 5 | be directed to serve a copy of this order on the Litigation Coordinator at San
Quentin State 6 | Prison. 7 For the reasons set forth above, the Clerk of the Court is ORDERED to
serve a copy of 8 | this order on the Litigation Coordinator at San Quentin State Prison as well as
directly on plaintiff 9 | (CDCR No E-00100) at San Quentin State Prison. This order resolves ECF
No. 618 and ECF No. 10 | 619. 11 || Dated: March 10, 2023 12 13

BORAH BARNES

14 UNITED STATES MAGISTRATE JUDGE

15 16 17 18 19 20 | DB:14 DB/orders-capital/riel0507 pet. ltr(2) 21 22 23 24 25 26 27 28