

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Padilla v. Arias

No. 1:25-cv-00019 JLT SAB (HC) (E.D. Cal. Apr. 22, 2025) · No. 1:25-cv-00019 JLT SAB (HC) · Decided
April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations in Francisco Padilla's federal habeas corpus proceeding. The court denied Padilla's motion to stay, dismissed the habeas petition without prejudice for failure to exhaust state remedies, directed the clerk to close the case, and declined to issue a certificate of appealability.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 FRANCISCO PADILLA, No. 1:25-cv-00019 JLT SAB (HC) 12 Petitioner,
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DENYING 13 v.
PETITIONER'S MOTION TO STAY, DISMISSING PETITION FOR WRIT OF 14 ROBERTO
A. ARIAS, HABEAS CORPUS WITHOUT PREJUDICE, DIRECTING CLERK OF COURT TO
CLOSE 15 Respondent.

CASE, AND DECLINING TO ISSUE CERTIFICATE OF APPEALABILITY 16 (Doc. 6) 17 18
Francisco Padilla is a state prisoner proceeding pro se with a petition for writ of habeas 19 corpus
brought pursuant to 28 U.S.C. § 2254. This matter was referred to a United States 20 Magistrate
Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On March 18, 2025, the
magistrate judge issued findings and recommendations to deny 22 Petitioner's motion to stay and
dismiss without prejudice the petition for writ of habeas corpus for 23 failure to exhaust state
judicial remedies.

(Doc. 6.) On April 14, 2025, Petitioner timely filed 24 objections. (Doc. 7.) 25 According to 28
U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of the case. 26 Having carefully
reviewed the matter, including Petitioner's objections, the Court concludes the 27 findings and
recommendations are supported by the record and proper analysis. Petitioner is not 28 entitled to a
stay because his unexhausted claims are plainly meritless.

Grounds One and Two are 1 plainly meritless because, as the findings and recommendations
indicate, they raise errors of state 2 law. (See Doc. 6 at 3.) In Ground Three, Petitioner asserts that
the trial court erred by denying his 3 Marsden motion and motion to withdraw his guilty plea.

As the findings and recommendations 4 explain, the Petition fails to explain how there was an irreconcilable conflict or complete 5 breakdown of communications, allegations necessary to support his Marsden claim. (Id. at 4.)

As 6 to the claim concerning denial of his motion to withdraw his guilty plea, Petitioner contends that 7 his lawyer failed to present options to him and subjected him to “hours of manipulation.” (See id.) 8 Relatedly, in Ground Four, Petitioner alleges that his lawyer was ineffective in various other 9 ways, including by not responding to Petitioner’s requests, not providing him with discovery, not 10 identifying an alibi witness or identity expert, and/or not addressing certain other issues.

(Id. at 5– 11 6.) The findings and recommendations correctly explain that Petitioner’s allegations on these 12 issues are vague and conclusory, particularly given otherwise contradictory information in the 13 record. (Id. at 6–7.) 14 Attached to Petitioner’s objections are court transcript excerpts from the day of his guilty 15 plea. (Doc. 7 at 4–9.)

The excerpts reveal that the Tulare County Superior Court judge gave the 16 defense a frank assessment of the government’s evidence and then recessed to provide the parties 17 an opportunity to discuss a resolution. (Id. at 4–6.)

After the recess, the parties returned to enter 18 pleas. (Id. at 7–9.) Petitioner’s attempts to spin the transcript to support his claims are not 19 persuasive. For example, Petitioner suggests the Superior Court judge indicated the plea 20 agreement he ultimately entered into was a “bad deal,” (Doc. 7 at 2), when the court was referring 21 to the defendants’ conduct as a “bad deal.” (See id. at 6.)¹ In sum, these excerpts and Plaintiff’s 22 related arguments do not undermine the reasoning set forth in the findings and recommendations.

23 Having found that Petitioner is not entitled to habeas relief, the Court now turns to 24 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus 25 26 1 The meaning of the court’s comment is clear when placed in context. “The People have a pretty rock-solid case. I haven’t heard from the defense. But this is a bad deal.

The assailants that came into this house 27 with guns and masks, and then it’s shoot-out at the O.K. Corral. Their buddy gets killed. Magana gets shot. They shoot up the house as they leave. The jury is not going to have any sympathy. These people, they’re 28 bad guys if these allegations are true and these are the guys that did it.” (Doc. 7 at 6.) 1 | has no absolute entitlement to appeal a district court’s denial of his petition, and an appeal is only 2 | allowed in certain circumstances.

Miller-El vy. Cockrell, 537 U.S. 322, 335-36 (2003); 28 U.S.C. 3 | § 2253. The Court should issue a certificate of appealability if “reasonable jurists could debate 4 | whether (or, for that matter, agree that) the petition should have been resolved in a different 5 || manner or that the issues

presented were ‘adequate to deserve encouragement to proceed 6 | further.’” Slack v. McDaniel, 529 U.S. 473, 484 (2000) (quoting Barefoot v. Estelle, 463 U.S. 7 | 880, 893 & n.4 (1983)).

8 Reasonable jurists would not find the Court’s determination that the petition should be 9 | dismissed debatable or wrong, or that Petitioner should be allowed to proceed further. Therefore, 10 || the Court declines to issue a certificate of appealability.

Accordingly, the Court ORDERS: 11 1. The findings and recommendations issued on March 18, 2025 (Doc. 6) are 12 ADOPTED IN FULL. 13 2. Petitioner’s motion to stay is DENIED. 14 3. The petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE. 15 4.

The Clerk of Court is directed to CLOSE THE CASE. 16 5. The Court declines to issue a certificate of appealability. 17 18 IT IS SO ORDERED. 19 | Dated: _ April 22, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 20 21 22 23 24 25 26 27 28