

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Fells v. Silva

No. 25-cv-04378-JD (N.D. Cal. Sept. 10, 2025) · No. 25-cv-04378-JD · Decided September 10, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Billy M. Fells’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court concluded that the competency-hearing and ineffective-assistance claims had been presented and denied on the merits in a prior federal habeas action, and it declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 10, 2025
DOCKET	25-cv-04378-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed an amended pro se federal habeas petition under 28 U.S.C. § 2254 after the original petition was dismissed with leave to amend. The court dismissed the amended petition as a second or successive petition raising claims previously adjudicated on the merits.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Billy M. Fells v. Edward Silva

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the amended § 2254 petition should be dismissed as a second or successive petition because it raises claims that were presented and adjudicated on the merits in a prior federal habeas action.
2. Whether the court should issue a certificate of appealability.

HOLDINGS

1. A claim presented in a second or successive § 2254 habeas application that was presented in a prior application must be dismissed. Because Petitioner's competency and ineffective-assistance claims were denied on the merits in his prior federal habeas case, the amended petition was dismissed.
2. The court declined to issue a certificate of appealability.

KEY QUOTATIONS

“A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” (at 1-2)

FACTUAL BACKGROUND

Petitioner was convicted of kidnapping, robbery, and rape, and his state appeals were denied in 2014. He previously challenged the same conviction in a federal habeas action, which was denied on the merits in 2016. In the amended petition, he alleged that he was denied a competency hearing and that trial counsel was ineffective for failing to investigate his past and present mental condition.

PROCEDURAL HISTORY

Fells was convicted in state court of kidnapping, robbery, and rape, and his state appeals were denied in 2014. He previously filed a federal habeas petition concerning the same conviction, which was denied on the merits on June 6, 2016. The Ninth Circuit denied his requests to file a successive petition in 2018 and 2024. After the original petition in this action was dismissed with leave to amend, the court dismissed the amended petition and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Fells v. Valenzuela, Case No. 15-cv-1390 JD
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

Fells v. Silva

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BILLY M. FELLS, Case No. 25-cv-04378-JD 8 Petitioner,

ORDER RE DISMISSAL

v. 9

10 EDWARD SILVA,

Respondent. 11 12 13 Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 14 U.S.C. § 2254. The original petition was dismissed with leave to amend and petitioner has filed 15 an amended petition. Dkt. No. 7.

16 BACKGROUND

17 Petitioner was found guilty of kidnapping, robbery, and rape and his state appeals were 18 denied in 2014. Dkt. No. 1 at 2-4. He filed a prior federal habeas action in this Court regarding 19 the same conviction. See *Fells v. Valenzuela*, Case No. 15-cv-1390 JD. That petition was denied 20 on the merits on June 6, 2016. *Id.*, Dkt. No. 13. The Ninth Circuit denied petitioner's two 21 requests to file a successive petition on July 18, 2018, and December 20, 2024. *Id.*, Dkt. Nos. 17, 22 18.

23 DISCUSSION

24 In the amended petition, petitioner alleges that he was denied a competency hearing prior 25 to his conviction and that trial counsel was ineffective for failing to "investigate his [] past and 26 present mental condition . . ." Dkt. No. 7 at 3. These claims were denied on the merits in his prior 27 case, Case No. 15-cv-1390 JD, Dkt. No. 13 at 7-11. This second habeas petition is dismissed 1 ("A claim presented in a second or successive habeas corpus application under section 2254 that 2 || was presented in a prior application shall be dismissed.").

3 CONCLUSION

4 The Clerk is requested to close the case. The Court declines to issue a certificate of 5 appealability. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). 6 IT IS SO ORDERED. 7 Dated: September 10, 2025 8 9

JAMES/ONATO

10 United States District Judge 11 12 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28